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Warren Hastings Esq.r

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London, Pub.d July 1. 1788 for S. Bladon Paternoster Row.

THE

TRIAL

OF

WARREN HASTINGS, Esq.

LATE GOVERNOR-GENERAL OF BENGAL,

BEFORE THE

High Court of Parliament in Westminster-Hall,

ON AN

IMPEACHMENT

BY THE

COMMONS OF GREAT-BRITAIN,

FOR

HIGH CRIMES AND MISDEMEANOURS.

PART THE FIRST.

CONTAINING THE

Proceedings of Thirty-Five Days,

From FEBRUARY 13 to JUNE 14, 1788, inclusive, when the Court adjourned;

AND INCLUDING THE

WHOLE of the EVIDENCE

ON THE

FIRST and SECOND CHARGES;

TOGETHER WITH THE

SPEECHES at LENGTH

OF

Messrs. BURKE, FOX, | GREY, ANSTRUTHER, | ADAM, PELHAM,

AND OF

R. B. SHERIDAN, Esq.

(WHICH CONTINUED FOUR DAYS)

ON

Summing up the EVIDENCE on the above CHARGES.

TO WHICH ARE PREFIXED,

MEMOIRS of MR. HASTINGS; and a SKETCH of the PROCEEDINGS of the HOUSE of COMMONS against him previous to the IMPEACHMENT and TRIAL.

LONDON:

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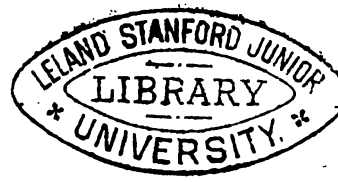

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MEMOIRS

OF

WARREN HASTINGS, Esq.

THE riſe and progreſſive ſucceſs of the East India Company, muſt ever memorably diſtinguiſh the annals of the eighteenth century; and of courſe the hiſtory of thoſe individuals who have ſhone conſpicuous in the promotion of this Eaſtern Empire to its preſent grandeur and extent, muſt proportionably arreſt our attention.

WARREN HASTINGS, Eſq. the late Governor-general of Bengal, is a gentleman, who, in the midſt of peculation, avarice, and oppreſſion, has deported himſelf with ſo much propriety, moderation, and ability, as to entitle him to the reſpect of mankind in general, and the particular acknowledgements of a people, whoſe proſperity and welfare have been carefully attended to during his adminiſtration over them.

He is deſcended from a very ancient and reſpectable family at Darlsford, in the county of Worceſter, where his anceſtors for many years poſſeſſed an eſtate. He was born in the year 1730, and received his education at Weſtminſter ſchool. At this ſeminary he very early exhibited marks of a more than common genius, and attracted the notice of Dr. Nicols, the maſter, in a particular manner. His acquiſitions in literature did credit as well to the preceptor as the pupil; and when he left Weſtminſter, he was eſteemed one of the beſt ſcholars of that period. In 1750, he was appointed a writer in the ſervice of the Eaſt India Company, at Bengal; and ſoon after his arrival, he applied himſelf with great aſſiduity and attention, to acquire the Perſian and Hindoſtan languages, in which he ſucceeded to ſo great a degree, that he was ſelected as the propereſt perſon to attempt the eſtabliſhing of a Factory in the interior parts of Bengal, where no European had hitherto appeared; and though the ſcheme proved unſucceſsful, he conciliated the eſteem of the natives in ſuch a manner, that when he was taken priſoner by the troops of Surajah Dowlah, they ſhewed their reſpect for him by treating him with ſingular marks of humanity and attention.

In a ſhort time, the fortune of war changed, and Surajah Dowlah, who had aimed at the deſtruction of the Engliſh in that part of the globe, exhibited a moſt ſtriking inſtance of the uncertainty of human affairs. From a ſtate of the higheſt proſperity he ſunk to the moſt abject point of miſery:—he was defeated, dethroned, and in the end murdered by his ſucceſſor, Meer Jaffier, in whoſe Court it became neceſſary to have a reſident miniſter. On this occaſion Colonel, afterwards Lord Clive, ſhewed that diſcernment of men, which marked his character, by ſelecting Mr. Haſtings for this important office. He deported himſelf in it to the general ſatisfaction, until he became a member of the adminiſtration in Bengal. In 1765 he returned to England with his friend Mr. Vanſittart, and with a fortune extremely moderate. In 1769 he obtained the appointment of ſecond in council at Madras, where he remained until February 1772, when he returned to Bengal, the Directors having named him Governor of that ſettlement.

The diſtreſſes of the East-India Company at that period, ariſing from every ſpecies of miſmanagement both at home and abroad, are too well known to require

quire our dwelling upon them. It is ſufficient to obſerve, that when Government ſeized the opportunity of intermeddling in their affairs, but one voice was heard reſpecting the perſon in whom the ſupreme authority over India ſhould be inveſted, and this was Governor Haſtings.

In leſs than two years the credit of the Company wore an entire new face, confidence was returning into its proper channel, and the expectation of the public was not diſappointed in the meaſures purſued abroad. Unfortunately for the intereſts of the Britiſh nation in India, the gentlemen who were joined with Mr. Haſtings in the adminiſtration, Mr. Barwell excepted, carried with them violent prejudices from England, and commenced a deſtructive oppoſition the moment of their arrival in Calcutta, which continued with fatal and unremitting violence until the death of Colonel Monſon.

It is remarkable, that during the courſe of this unhappy contention, in which every meaſure of his former adminiſtration, his character, and his fortune, were attacked, he never loſt his temper or his health, but continued to conduct himſelf with ſo much prudence, that no advantage could be taken of him by his adverſaries. At length the death of Colonel Monſon, and ſoon after of General Clavering, made a very material alteration in the conduct of the leading men of this country towards him, and he had the honour of being three times appointed by the Legiſlature to the ſupreme Government of Bengal.

Perhaps the conduct of no man in public life has ever been more ſtrictly ſcrutinized, more rigidly enquired into, or more freely commented upon; and it may be added, no character is come out more bright after the inquiſition upon it. If he has been powerfully attacked, he has been as ably defended, and the warmth of his friends, and the candour of the public, have at leaſt kept pace with the malice of his enemies. Twice have the majority of the Directors determined to remove him, and twice have the great body of his Conſtituents preſerved him in his ſtation. In 1776 the weight of government was exerted againſt him, and the influence of his Majeſty's miniſters perſonally exerciſed at the India Houſe to remove him; but a majority of Proprietors defeated the attempt, and fixed him in Bengal. On May 28, 1782, the Houſe of Commons voted, that it was the duty of the Court of Directors to diſplace Mr. Haſtings from his government. This happened during what is called the Rockingham adminiſtration: but it is remarkable, that Mr. Fox, the Lord Advocate, and the other gentlemen, who ſpoke in ſupport of the reſolution of Mr. Haſtings's removal, acknowledged, that his abilities were of the moſt ſplendid kind, and his integrity unqueſtionable.

In conſequence of this vote the Court of Directors again took into conſideration the ſtate of their affairs, and on the 22d of October, determined, by a majority of 13 to 10, that Mr. Haſtings ſhould be recalled. The propriety of this meaſure was moſt ably and fully diſcuſſed by the Proprietors on the 24th and 31ſt of the ſame month, when it was determined by ballot that Mr. Haſtings ſhould remain in his ſtation: the numbers for his continuance being 428 againſt 75. In conſequence of this reſolution, the next day the vote of recal was reſcinded by the Court of Directors.

At a time when obloquy and diſgrace too often, and we fear too juſtly, attend the name of an Eaſt Indian, it is no ſmall praiſe for any perſon of that denomination to be ſpoken of in terms of approbation, and ſtill more ſo, when the voice of ſcandal and detraction are drowned in the praiſes beſtowed on any individual. Mr. Haſtings, whoſe cauſe has attracted ſo much of the public notice, is now in the 58th year of his age; he has been thirty-eight years, with a ſhort interval, in the ſervice of the Eaſt India Company, and above eleven years of the time Governor of Bengal. He poſſeſſes, even by the confeſſion of his enemies, very extraordinary abilities and undoubted integrity. He has alſo all the qualities of a great ſtateſman. Were we to delineate his character, we ſhould be tempted to make uſe of the words of the late Commodore Johnſton, at a Court of Proprietors. That gentlemen, ſpeaking of the defeat of our army on the Coaſt of Coromandel, declared, "Upon information of an event that was ſufficient to "damp the ſpirits of the moſt determined, the ſoul of Mr. Haſtings ſeems to "have ariſen ſuperior to the occaſion: with an ardour for the glory of his "country, with a zeal for the proſperity of our affairs, with a perſpicuity in "the detail, and a ſublimity of ſentiment in the preamble, he dictated a minute

"which

" which will ever do him the greateſt honour, propoſing to ſend inſtant relief in " men and money, and a General to command the forces, who could reſtore " confidence to the troops; and notwithſtanding the inclemency of the ſeaſon " he carried his deſign into execution."

To Mr. Haſtings's attention was the Eaſt India Company indebted, for the communication which was eſtabliſhed between this country and India by way of Suez. The trade from Bengal to the Red Sea promiſed to be highly advantageous, and could never have affected the Company's ſales in England. A contrary opinion however prevailed, and Engliſh veſſels are no longer permitted to navigate to Suez. The communication was open long enough to convey the Company's orders for the attack of Pondicherry; an event deemed at that time, and it certainly was ſo, of the greateſt national importance. Mr. Haſtings deputed the ingenious Mr. George Bogle to the court of the Grand Lama in Thibet, who received him with the utmoſt kindneſs and hoſpitality. A trade very beneficial to Bengal has been opened with that country; European fruits of every kind have been brought from Thibet to Calcutta, and gardening has been carried to an extraordinary degree of perfection within theſe few years. No city in the world has been more improved in a ſhort ſpace of time than Calcutta. Mr. Haſtings, amongſt more important objects, is both an admirer and an encourager of the fine arts; he excels as an engineer and an architect. He is liberal and polite to his dependents; the gentlemen of his family are his friends, and he lives with them upon the moſt eaſy and confidential terms. He is humane to all over whom he governs; and however the fact may have been diſputed in this country, it is an undoubted truth, that no man in India ever enjoyed the confidence of the native princes in a higher degree than Mr. Haſtings; and he has challenged his greateſt enemies to point out a ſingle inſtance in which he has forfeited the national faith. He is regular and temperate in his living, and uſes what even in this country muſt be called violent exerciſe on horſeback. He always riſes by break of day, and then diſpatches buſineſs with uncommon quickneſs. To ſum up his character in a few words, he poſſeſſes ability, integrity, courage, and moderation; a clear head, and a ſound heart.

Whether this preſent important trial may produce a cauſe to reverſe this good opinion, lies not with us even to premiſe. It is the glorious prerogative of Engliſhmen not to admit a ſuppoſition of guilt before trial. Though the charges againſt Mr. Haſtings are of a great enormity, yet his friends entertain no fears of his refuting them.

SKETCH

OF THE

PROCEEDINGS

OF THE

HOUSE OF COMMONS

AGAINST MR. HASTINGS PREVIOUS TO HIS IMPEACHMENT AND TRIAL.

THE Eaſt India Company is, doubtleſs, at this moment, the firſt commercial object in England: its amazing territorial acquiſitions, that are computed to be little ſhort of 300,000 ſquare miles, and to contain thirty millions of people,

ple, muſt be neceſſarily attended with a proportionable increaſe of trade—which at times, joined to the diſſenſions amongſt, and miſconduct of its managers, both at home and abroad, have greatly engaged the attention of the legiſlature. The power of the crown has been gradually extended over theſe diſtant territories—and it even aſſumed the right of nominating governors and council, and of appointing judges:—an act very extraordinary, it was thought, in its kind, and by which it acquired an immenſe ſhare of power and influence.

But no proportional benefit has hitherto reſulted to the Company: on the contrary, the new eſtabliſhed Court of juſtice has paid ſo little attention to the manners of the inhabitants of India, and to the uſages of that country, as to occaſion the moſt alarming diſcontents among the natives, and great diſſatisfaction among the Company's own ſervants.

It was in fact the intereſt of the Eaſt India Company, that their governments in India ſhould interfere as little as poſſible in the domeſtic or national quarrels of the country powers, and that they ſhould always endeavour to be in a ſtate of peace and tranquility with their neighbours. But theſe maxims of ſound policy they have not adhered to; the governors and ſervants of the Eaſt India Company have unneceſſarily, and ſometimes very iniquitouſly, embroiled themſelves with the country powers, and engaged in wars of a very pernicious and indefenſible nature. The wars into which they lately entered with the Mahrattas, and that enterpriſing prince Hyder Ally, have been attended with an enormous expence, and had been extremely prejudicial to the intereſts of the Company. By temporary plans of violence and injuſtice, and ſometimes diſregarding their own treaties, they have forfeited the good opinion of the natives; and by exciting the indignation of the country princes againſt them, greatly leſſened the ſecurity of the poſſeſſions of the Company.

From the danger that threatened the very exiſtence of our empire in that part of the globe, ſome time previous to the concluſion of the late war, and the fatal ſtroke our national credit might receive from the diſſolution of the Company, whoſe affairs were univerſally looked upon to be in a moſt precarious ſtate, the neceſſity of applying ſpeedy and effectual remedies was fully acknowledged; and the oppreſſed natives of India had at length a proſpect of relief.

During a rapid ſucceſſion of Miniſters, every party had in turn pledged themſelves to exert both their own, and the whole force and power of government for this important end. Early in 1781, two Indian committees were appointed, to enquire into the mal-adminiſtration of the Company's affairs, both at home and abroad:—the one a ſelect, the other a ſecret committee:—the former compoſed of the moſt diſtinguiſhed members in oppoſition—the latter, under the management of the Miniſter's confidential friends: and both theſe committees continued to ſit till the prorogation of Parliament, in November, 1781.

On the 9th of April, 1782, Mr. Henry Dundas, the chairman of the ſecret committee, moved, that the reports of that Committee ſhould be referred to a Committee of the whole Houſe. On this occaſion, in a ſpeech of near three hours, he entered very fully into the cauſes and progreſs of the calamities of the Eaſt. Among the former, he inſiſted principally, on the impropriety of the Company's preſidencies, in undertaking all their military operations with a view to conqueſt only—their breaches of and diſregard to treaties—their peculation and ſcandalous oppreſſion of the natives—and the criminal relaxation that prevailed among the Directors at home, who were ever ready to connive at the groſſeſt miſconduct, whenever it was attended with the leaſt temporary gain to the Company.

In tracing the operation of theſe cauſes, he enumerated a few of the moſt flagrant acts of injuſtice, treachery and violence, by which not only the Company's affairs had been brought to the verge of ruin, but indelible diſgrace entailed on the Britiſh name and government in India:—all of which will be more particularly ſtated in the courſe of this Sketch.

Some days afterwards Mr. Dundas brought forward two ſets of propoſitions. The firſt, amounting to 45 in number, related to the general ſyſtem of the Company's government, and the miſconduct of the preſidency of Bombay;—the ſecond ſet, compriſing 24, had for their object the conduct of the Preſidency of Madras:—on theſe, if adopted by the Houſe, it would be neceſſary to ground a criminal

criminal profecution againſt Sir Thomas Rumbold, and others concerned therein. The articles were agreed to, and in conſequence he moved the Houſe to proceed by a bill of pains and penalties, againſt Sir Thomas, and others, for breaches of public truſt and high crimes and miſdemeanors.

Before the ſecond reading of the bill of pains and penalties, it was ordered, that Sir Thomas Rumbold ſhould be heard in his defence, againſt the ſame, by counſel, at the bar. The great variety and complicated nature of the criminal allegations on which the bill was founded, made it neceſſary for the accuſed party to enter into a long minute defence. Little progreſs was made therein during the ſhort period that remained of the ſeſſions of 1782; and the unſettled ſtate of public affairs at the beginning of the year 1783, prevented the Houſe from taking it up till near the middle of that ſeſſion. As the ſeaſon advanced, members became daily more remiſs in their attendance; and at length, on the 1ſt of July, a motion was made and carried, for adjourning the further conſideration of the bill to the 1ſt of October, by which means the whole proceeding fell to the ground, and was never afterwards reſumed

That a bill, the reſult of ſuch long and laborious enquiries, a bill introduced, received, and proceeded upon by the Houſe with ſo much ſolemnity, ſhould be ſuffered thus to fall to the ground, is a circumſtance on which we are at a loſs to comment. What impreſſion Sir Thomas Rumbold's defence made upon the Houſe, as no queſtion was put thereon, we cannot poſſibly determine. It would certainly be harſh and inequitable to preſume the party accuſed was guilty, becauſe he accepted of indemnity without acquittal; and on the other hand, we cannot pronounce him innocent, becauſe, under the circumſtances related, his accuſer failed to proſecute him to conviction. The proceeding itſelf had indeed operated as no light puniſhment; and this conſideration might probably facilitate the paſſing of the vote by which it was terminated. But by this management, the public was deprived of the only intereſt it had in the proſecution,—the acquittal of an innocent citizen, or the example of a puniſhed delinquent. Thus, however, ended the firſt attempt made by this parliament to puniſh Indian delinquency.

Recurring to the firſt ſet of forty-five reſolutions preſented by Mr. Dundas, on the 25th of April, 1782, we muſt obſerve, that they ſet out with eſtabliſhing certain principles of juſtice and policy, as the baſis of the government of India; they then exhibit many cenſures on the Court of Directors, and the Governor-General, for purſuing meaſures ruinous and diſgraceful to the intereſt of both countries;—and conclude with approving certain inſtructions ſent in ſome previous diſpatches, from the Directors of the Company, for promoting the attainment of peace.

One of theſe reſolutions however acknowledges, that on the ſucceſs of Hyder in the Carnatic, the Governor-General (Mr. Haſtings) gave proof of the moſt important exertions for the aſſiſtance of Madras, the obtaining of peace, and regaining the friendſhip of the Nizam.

Theſe reſolutions were ſeverally agreed to by the Houſe, on the 28th of May; and in addition to the general declaration of the ſenſe of Parliament, Mr. Dundas ſaid, he ſhould move the Houſe to come to a ſpecific reſolution for the recall of Mr. Haſtings and Mr. Hornby. That he was urged to take this ſtep by an account which had lately arrived from India of an act of the moſt flagrant violence and oppreſſion, and of the groſſeſt breach of faith, committed by the former againſt Cheit Sing, the Rajah of Benares. He entered at large into the nature of that tranſaction, and concluded with moving the following reſolution:

"That Warren Haſtings, Eſq. Governor-General of Bengal, and William "Hornby, Eſq. Preſident of the Council at Bombay, having in ſundry in- "ſtances acted in a manner repugnant to the honor and policy of this nation, "and thereby brought great calamities on India, and enormous expences on "the Eaſt India Company, it is the duty of the Directors of the ſaid Company "to purſue all legal and effectual means for the removal of the ſaid Governor- "General and Preſident from their reſpective offices, and to recall them to "Great-Britain."

In conſequence of this reſolution of the Houſe of Commons, the Directors took the neceſſary ſtep for carrying it into effect; but as their proceedings were ſubject to a general court of Proprietors, the friends of Mr. Haſtings had re-

courſe to that expedient, and on the 31ſt of October the order of the Court of Directors was reſcinded by a large majority.—Thus ended the ſecond parliamentary attempt to puniſh Indian delinquency.

The ſteps taken by the Seleſt Committee, next require our attention:—Their reports, eleven in number, took a complete review of the conſtitution of the Eaſt-India Company, and of the management of their affairs both at home and abroad, in their political as well as commercial tranſactions. On theſe reports was principally grounded the great plan afterwards introduced by Mr. Fox, in his bill for the better regulating the affairs of the Eaſt India Company, and the charges of impeachment which have ſince been inſtituted by the Commons againſt Mr. Haſtings.

General Smith, the Chairman of the Seleſt Committee, on the 18th of April, preſented ten reſolutions to the Houſe, in three of which it was ſtated, "That "Warren Haſtings, and Sir Elijah Impey, Chief Juſtice of the Supreme Court "of Bengal, had been concerned, the one in giving, and the other in receiving, "an office tenable at the pleaſure of the ſervants of the Company, contrary to "the true intent of the act of 13 Geo. III. and that this unjuſtifiable tranſaction "between them was attended with circumſtances of evil tendency and exam-"ple."—Theſe reſolutions being agreed to by the Houſe, an addreſs was ordered to be preſented to the King, to recall Sir Elijah Impey to anſwer for his conduct in the tranſaction aforeſaid.

At the end of the ſeſſion of 1782, it was ſignified from the throne, "That "the conſideration of the affairs of the Eaſt Indies would require to be reſumed "as early as poſſible, and to be purſued with a ſerious and unremitting at-"tention."

Various plans were propoſed, previous to the month of November 1783, when Mr. Fox, then Secretary of State, brought forward a bill for regulating the Company:—the principles of this bill, and the violent debates to which it gave birth, are too recent in the public memory to need a recapitulation here.—Though it paſſed the Commons, yet the ſecret influence of the Crown operated to its being thrown out in the Lords, where it was rejected by a majority of nineteen Peers. The conſequence of this was the downfall of the Miniſtry, and a general revolution of the Cabinet.

Various attempts for a new bill were afterwards made by Mr. Pitt and the new Miniſtry, but failed, which occaſioned, with other diſputes on privilege a diſſolution of the Houſe of Commons. The new Parliament and Adminiſtration ſeemed to be friendly to the Company, whoſe intereſts have been greatly injured by their ſervants at home and abroad. The Nabobs and Rajahs, and natives of India, have been by turns harraſſed and deſpoiled under their management, and many parts of that fine country depopulated.

A diverſity of opinions ſtill continued concerning this famous bill; and a proteſt was entered againſt it in the Houſe of Lords by five Peers. Notwithſtanding, however, the regulations of this new bill, it is to be ſuſpected, that they will produce no very material effect, unleſs vigorous meaſures be taken to enforce them. This bill, like former ones, may be depoſited among the archives of the councils of the governments in the Eaſt Indies, to lie in oblivion, or be treated with contempt. Mere parchment chains cannot bind the hands of rapacity and violence. The country is too remote for Britain to interfere on every emergency. The corrupt may be bribed, the timid may be threatened into a deſertion of their duty, whilſt the moſt upright may be overpowered by violence; and, if not ſilenced in that country, be ſent home to this, loaded with irons, to plead their cauſe for pretended crimes charged againſt them by the emiſſaries of the powerful delinquents, whoſe peculations and rapacity they endeavoured to repreſs, but whoſe riches will ſecure them a ſafe retreat, and a ſeat in either Houſe of Parliament.

The order for the recall of Mr. Haſtings, in conſequence of the reſolutions we have already ſtated, were finally ſubmitted to by that gentleman;—he accordingly ſet ſail from Calcutta, the 9th of February 1785; and on the 16th of June following, he arrived in London.

The debates, and very violent altercation to which the ſeveral bills for the regulation of India gave riſe—the removal of Miniſters occaſioned thereby—

the

the new election—the Weſtminſter ſcrutiny, and a multiplicity of other buſineſs ſo fully occupied the attention of the Commons and the public, as to make them for a time forget the caſe of individuals, and particularly the cenſure which had been paſſed on the conduct of the Company's ſervants in their Indian departments:—and it was not until the 20th of June, 1785, that Mr. Burke gave notice, in the Houſe of Commons, "That if no other gentleman would undertake "the buſineſs, he would at a future day make a motion reſpecting the conduct "of a gentleman juſt returned from India."

Mr. Burke's promiſed motion, however, did not take place till the 17th of February, 1786, when he moved for a copy of the correſpondence which had paſſed from January 1785, to January 1786, between Warren Haſtings, Eſq. and the Court of Directors of the Eaſt India Company, including his correſpondence ſince his arrival.

This firſt motion of Mr. Burke produced a very long debate, that turned chiefly, however, upon a point of order with reſpect to the regularity of the proceedings;—we ſhall juſt report the ſubſtance of the debate. An objection was ſtarted by the Maſter of the Rolls, and ſupported by Mr. Nichols, Mr. S. Smith, Mr. Dundas, Mr. Jenkinſon, the Lord Advocate of Scotland, the Solicitor General, Mr. Young, Sir Gregory Page Turner, Mr. Groſvenor, and Mr. Wilberforce—that the buſineſs of the Committee was to receive charges and not to hear evidence; for until the charges were received, it would be impoſſible for gentlemen to know to what points the witneſs could be examined; and indeed it would not be leſs ſo to determine, whether there was really any impeachable matter in the different articles which might be produced as the ground for the impeachment of Mr. Haſtings: and conſequently it would be miſpending the time of the Committee to make it fit from day to day to hear evidence before it could be known whether ſuch evidence would in the end be applicable to the object of an impeachment of Mr. Haſtings. Beſides, it would not be leſs contrary to the eſtabliſhed rule or order of the Houſe than of all courts of juſtice, that accuſation ſhould precede the evidence; for the latter was a relative term, and ſignified that "which makes evident or plain." On the other hand, Mr. Fox, Mr. Burke, Mr. Sheridan, Mr. Ellis, Mr. Wyndham, and others, maintained that the Committee, ſo far from being reſtrained to the bare receiving of charges, was in fact a Committee of enquiry; for it appeared from the order of the day, that the Committee was to take into conſideration the papers relative to India; and by the ſame order, witneſſes were bound to attend, and were attending. It would, therefore, be an extraordinary proceeding, if the chairman was to quit the chair, and report to the Houſe, that the Committee, though directed to take papers into conſideration, had conſidered none; though ordered to examine witneſſes, had examined none. If the charges ought to have preceded the production of evidence, the gentlemen who advanced ſuch a poſition ought to have attended to the Houſe ſooner, and prevented it by their advice from doing ſo abſurd a thing, as to order the Committee to examine witneſſes, and take papers into conſideration, before the charges, to which they were to be applied, were produced. But, in fact, when the Right Honourable Member (Mr. Burke) had moved for the papers, he had, at the expreſs deſire of the Houſe, ſtated a charge, not eſpecial indeed, but a general one, as a preamble to each motion, and thus pointed out the particular point to which each paper was applicable.

Mr. Burke declared, that, bowing to the authority of the Committee, he would, notwithſtanding his own objection to ſuch a proceeding, bring forward his charges, at leaſt ſuch of them as he had prepared. The firſt of them was produced, and read merely pro formâ.

Upon this it was agreed that the chairman ſhould report progreſs, and aſk leave to ſit again, for the purpoſe of receiving all the charges, and of taking them into conſideration at a ſubſequent period.

APRIL 4.

Mr Burke, in his place, charged Warren Haſtings, Eſq. late Governor-General of Bengal, with ſundry High Crimes and Miſdemeanors; and preſented to the Houſe ſeveral articles of charge of High Crimes and Miſdemeanors againſt the ſaid Warren Haſtings, which conſiſt of the following particulars:

1. With

I. With groſs injuſtice, cruelty, and treachery againſt the faith of nations, in hiring Britiſh ſoldiers for the purpoſe of extirpating the innocent and helpleſs people who inhabited the Rohillas.

II. With uſing the authority delegated to him through the Eaſt India Company, for treating the King Shaw Allum, Emperor of Indoſtan, or otherwiſe the Great Mogul, with the greateſt cruelty, in bereaving him of conſiderable territory, and withholding forcibly that tribute, of 26 lacks of rupees, which the Company engaged to pay as an annual tribute or compenſation for their holding in his name the Duannee of the rich and valuable provinces of Bengal, and Bahar, and Oriſſa.

III. With various inſtances of extortion, and other deeds of mal-adminiſtration againſt the Rajah of Benares. This article conſiſted of three different parts, in each of which Mr. Haſtings was charged with a ſeries of the moſt wanton oppreſſions and cruelties. He gave in papers concerning the rights of the Rajah, his expulſion, and the ſundry revolutions which have been effected by the Britiſh influence under the controul of the late Governor-General in that Zemindary.

IV. The numerous and inſupportable hardſhips to which the Royal Family of Oude had been reduced, in conſequence of their connection with the Supreme Council.

V. With having, by no leſs than ſix revolutions, brought the fertile and beautiful provinces of Farruckabad to a ſtate of the moſt deplorable ruin.

VI. With impoveriſhing and depopulating the whole country of Oude, and rendering that country, which was once a garden, an uninhabited deſart.

VII. With a wanton, an unjuſt, and pernicious exerciſe of his powers, and the great ſituation of truſt which he occupied in India, in overturning the ancient eſtabliſhments of the country, and extending an undue influence by conniving at extravagant contracts, and appointing inordinate ſalaries.

VII. With receiving money againſt the orders of the Company, the Act of Parliament, and his own ſacred engagements; and applying that money to purpoſes totally improper and unauthorized.

IX. With having reſigned by proxy for the obvious purpoſe of retaining his ſituation, and denying the deed in perſon, in direct oppoſition to all thoſe powers under which he acted.

X. Accuſes him of treachery to Muzuffer Jung, who had been placed under his guardianſhip.

XI. Charges him with enormous extravagance and bribery in various contracts, with a view to enrich his dependants and favorites.

Theſe are the principal of Twenty Charges exhibited againſt Mr. Haſtings; on moſt of which he was voted deſerving of impeachment by the Honorable Houſe of Commons:—the other nine are chiefly connected with, and dependant upon the foregoing.

APRIL 26.

Major Scott moved for leave to bring up a petition from Warren Haſtings, Eſq. praying to be heard by himſelf againſt the matter of the charges now exhibited to the Houſe againſt him, and alſo a copy of thoſe charges; which was agreed to.

The petition was then brought up, and read at the table.

Mr. Burke then preſented other two charges relating to a libel written by Mr. Haſtings againſt the Court of Directors—and the final abandonment of Shaw Allum, on concluding a treaty with the Mahrattas.

MAY 1.

The Speaker, in conſequence of the reſolution of the Houſe, called Mr. Haſtings to the bar, who, having been informed of the purpoſe for which he was admitted there, obſerved, that he was not accuſtomed to public ſpeaking, and therefore begged the Houſe would indulge him with the hearing of what he had drawn up in his defence. His memory was not remarkably tenacious, and as the refutation or contradiction of the charges brought againſt him required frequent references to certain documents and papers neceſſary to be produced, he flattered himſelf that the Houſe would eaſily conceive the propriety of his requiſition. This having been readily aſſented to, Mr. Haſtings proceeded to read his defence.

fence. He began by remarking, that the grounds of the crimination were ill-founded, aſperſive, and malicious; that the various publications of the times contained the moſt unwarrantable obſervations on his conduct, and that the preſs daily teemed with the moſt groſs libels upon every part of his adminiſtration in India. That he was obliged to reply to charges containing nothing ſpecific; and that they might be called hiſtorical narratives, with voluminous commentaries. That he had been in India from a ſchool-boy; and that, during a period of thirty-ſix years ſervitude, he had always the happineſs to maintain a good and reſpectable character. That by the evil machinations of a few individuals, men of notoriety, he now appeared in an unfortunate ſituation; but that he choſe to come forward on the occaſion, and meet his fate, rather than be ſubjected to the continual threats of a Parliamentary proſecution. That to the indulgence now granted, it was a matter of indifference whether it proceeded from the humanity, or the juſtice of the Houſe; he conſidered himſelf as equally indebted to them. That he had acted according to the emergencies of the times; and that he had been frequently reduced to ſuch extremities, as to defy the ſanction of any precedent. That no man had been in more perilous ſituations; and that in thoſe diſaſters he was entirely left to the reſources of his own mind. That he had reſigned his government in India amidſt the regret of his fellow-ſubjects. That he had repeatedly received the thanks of his employers, the Directors of the Eaſt-India Company; and he had the ſatisfaction of diſcharging the truſt repoſed in him with ſuch unanimous approbation, he believed, that no other power on earth had a right to call his conduct in queſtion,

Mr. Haſtings went on with his defence for about two hours; when appearing to be much fatigued, he was relieved by Mr. Markham, and afterwards ſucceſſively by the two clerks.

The extreme length of Mr. Haſtings' defence, which took up two days in reading, precludes all poſſibility of being more diffuſe in the account of it:—— Mr. Burke expreſſed ſatisfaction with the minute manner in which it was couched; and Mr. Haſtings then obtained leave to deliver into the Houſe, the minutes and papers from which he had read anſwers to the ſeveral charges:— A number of gentlemen then underwent examination at the bar of the Houſe, which, at intervals, continued for a conſiderable length of time;—during the courſe of which, Mr. Burke changed his original intention of preſſing the Houſe to a general vote of impeachment, to a ſeparate queſtion on each charge, and then to move for a reſolution of impeachment grounded on them all.

JUNE 1.

Mr. Burke, at the urgent deſire of the Houſe, entered upon his firſt charge againſt Mr. Haſtings, which was, an enquiry into the Rohilla war.

The debate on this ſubject was carried on with great warmth till about three o'clock in the enſuing morning, when a motion of adjournment was put, and carried.

The following day Mr. Francis reſumed the buſineſs. It would be impoſſible to convey even a faint idea of the wonderful diſplays of oratory, ſound reaſoning, and ſenſibility, which were exhibited on this very important tranſaction—it would require volumes to give but a haſty ſketch of theſe wonderful orations:——this will be more readily conceived by remarking a well known fact, that at ſeven the next morning, the gallery was cleared, and there apppeared,

Ayes for the charge,	67
Noes,	119
Majority in favor of Mr. Haſtings	52

That his conduct in the Rohilla war is NOT IMPEACHABLE.

Mr. Burke then gave notice, that he would move the ſame reſolution on each of the articles ſeparately.

JUNE 13.

The next charge was moved by Mr. Fox, relative to the Rajah of Benares.—In this debate Mr Pitt took a very deciſive part againſt Mr. Haſtings; and after a moſt elegant and animated ſpeech of ſeveral hours, concluded with declaring, "that upon the whole, Mr. Haſtings' conduct in the tranſaction alluded to had been ſo cruel, unjuſt, and oppreſſive, that it was impoſſible, he, as a man of honor or honeſty,

honeſty, or having any regard to faith and conſcience, could any longer reſiſt; and therefore he had fully ſatisfied his conſcience, That Warren Haſtings had been guilty of ſuch enormities and miſdemeanors, as conſtituted a crime ſufficient to call upon the juſtice of the Houſe to impeach him."

At half after twelve the gallery was cleared, and the Committee divided,

Ayes for the motion,	118
Noes,	79
Majority	39

for IMPEACHING Mr. HASTINGS of being GUILTY of HIGH CRIMES and MISDEMEANORS, in his conduct to the RAJAH of BENARES.

[The Seſſions ended ſoon after.]

APRIL 2, 1787.

A long debate took place on the charge againſt Mr. Haſtings, relative to the article of preſents. The charge was brought by Mr. Sheridan, who was witty, humorous, eloquent and brilliant. He obſerved, that there appeared to be two principles on which Mr. Haſtings ſeemed to have grounded his adminiſtration, and on which he built his hopes of extorting and amaſſing money—the one was ANGER, the other CORRUPTION. Both had been applied ſucceſſively and ſucceſsfully: the former, however, was not always of a long duration: it was too dreadful and violent to be reſiſted, and therefore it was ſoon over, when the object for which it was raiſed had been attained: but his corruption knew no diſcontinuance. His anger was like a tornado, or hurricane, which ſoon exhauſted its rage; but his corruption was like the monſoon, or trade wind; it continued always in one direction.

The motion was carried by a Majority of 111.

Ayes,	165
Noes,	54

APRIL 3.

Mr. Burke moved, that the reſolution already voted againſt Mr. Haſtings, the articles of charge on which thoſe reſolutions were founded, the minutes of evidence heard on the occaſion, and other papers which had been laid before the Houſe, be referred to a ſelect Committee: and that it be an inſtruction to that Committee to prepare articles of impeachment.

This motion being aſſented to,

Mr. Burke preſented a liſt of members to form the Committee.

The names of thoſe gentlemen were then read, and the queſtion put ſeparately on each.

The Members nominated were Mr. Burke, Mr. Fox, Mr. Sheridan, the Hon. Mr. T. Pelham, Sir James Erſkine, Mr. Wyndham, the Hon. Mr. St. John, Mr. Francis, Mr. Anſtruther, Mr. Welbore Ellis, Mr. Adam, M. A. Taylor, Eſq. Right Hon Frederick Montagu, Sir Grey Cooper, Sir Gilbert Elliot, Dudley Long, Eſq. Lord Maitland, Hon. G. A. North, General Burgoyne, and Mr. Grey.

When the queſtion was put, that Mr. Francis ſhould be one of the Committee, a diviſion was demanded, when there appeared,

For Mr. Francis,	96
Againſt him,	54
Majority	42

MAY 10.

Mr. Burke moved "That Warren Haſtings, Eſq. be impeached," which was carried without a diviſion.

Sir Edward Montague moved, "That Mr. Burke do, at the bar of the Houſe of Lords, in the name of the Houſe of Commons, and of all the Commons of Great Britain, impeach Warren Haſtings, Eſq. late Governor-General of Bengal, of High Crimes and Miſdemeanors; and that he acquaint their Lordſhips, that with all convenient ſpeed the Commons would exhibit the articles of impeachment, and make good the ſame."

The motion being agreed to, Mr. Burke, attended by the members, went to the bar of the Houſe of Lords, where in form he impeached Warren Haſtings, Eſq. of High Crimes and Miſdemeanors.

MAY

MAY 18.

Mr. Burke moved, that Mr. Haſtings ſhould, in virtue of an impeachment carried up againſt him to the Houſe of Lords, be committed to the cuſtody of the Serjeant at Arms.

After a few words from Mr. Burke and Major Scott, the motion paſſed.

The Serjeant at Arms then reported, that Mr. Haſtings was in cuſtody.

MAY 23.

Mr. Burke appeared at the bar, and reported to the Houſe, that he had, according to the directions of the Hon. Commons of Great Britain, delivered in to the Lords another charge againſt Warren Haſtings, Eſq. late Governor-General of Bengal; and that he had likewiſe informed their Lordſhips, that the ſaid Warren Haſtings, Eſq. was in the cuſtody of the Serjeant at Arms, ready to be ſurrendered to the Gentleman Uſher of the Black Rod, whenever their Lordſhips pleaſed.

The Serjeant at Arms intimated that he had, in obedience to the commands of the Houſe, delivered Mr. Haſtings to the Gentleman Uſher of the Black Rod.

DECEMBER 5.

A meſſage was received from the Lords, that they had ſent to the Honorable Houſe a true copy of the anſwer delivered at the bar of the Houſe of Lords by Warren Haſtings, Eſq. to the charges exhibited againſt him for high crimes and miſdemeanors.

The meſſenger being withdrawn, and the title of the anſwer read, Mr. Burke moved, that the anſwer might be read pro forma. The ſame being done, Mr. Burke proceeded to name the gentlemen whom he wiſhed to have upon the Committee. Upon each name there was a motion; and all whom Mr. Burke propoſed, were by the Houſe admitted to be of the Committee except Mr. Francis, who was excluded upon a diviſion of, ayes, 97; noes, 126; majority, 29.

The names of the Committee then ſtood as follows:

EDMUND BURKE, Eſq.
Right Hon. C. J. FOX,
R. B. SHERIDAN, Eſq.
Right Hon. T. PELHAM,
Right Hon. W. WINDHAM,
Sir GILBERT ELLIOTT, Bart.
CHARLES GREY, Eſq.
WILLIAM ADAM, Eſq.
Sir JOHN ANSTRUTHER,
M. A. TAYLOR, Eſq.
Lord Viſcount MAITLAND,
DUDLEY LONG, Eſq.
General J. BURGOYNE,
Hon. GEORGE A. NORTH,
Hon. ANDREW St. JOHN,
Hon. A. FITZHERBERT,
Colonel FITZPATRICK,
JOHN COURTENAY, Eſq.
A. ROGERS, Eſq.
Sir JAMES ERSKINE.

When Mr. Burke found he was not to have the aſſiſtance of Mr. Francis, he declared, in the preſence of God, and of the world, that he looked upon the buſineſs of the impeachment as damned, ſeeing he was deprived of the aſſiſtance of the man, who, of all perſons, was, from local knowledge, the beſt qualified to aſſiſt in the undertaking. He ſaid he would proceed, however, let the event be what it would. He concluded by making motions for veſting this laſt Committee with the power of ſending for papers, records, &c. which were granted.

DECEMBER 10.

Mr. Burke moved, that the engroſſed replication of the Houſe to the anſwer of Warren Haſtings, ſhould be read; which having been done, he moved that the ſaid replication ſhould be ſent up to the Houſe of Lords. This motion was agreed to, and Mr. Burke appointed the meſſenger. In carrying it up he was attended by moſt of the members in oppoſition.

DECEMBER 11.

Mr. Burke, after defiring the Clerk to read the meſſage from the Lords, appointing the day of Mr. Haſtings's trial, moved, that the Committee to whom the anſwer of Mr. Haſtings had been referred, ſhould be appointed managers of the proſecution againſt him.

The motion was agreed to; as were alſo the following ones, viz. That A. Wallis and R. Troward, Eſqrs. be appointed Solicitors for the proſecution; and that this Houſe attend the trial, as a Committee of the whole Houſe.

Mr. Fox roſe to move for the appointment of Philip Francis, Eſq. to be one of the managers of the impeachment. He introduced this motion with a ſpeech of ſome length, in which he urged the nomination of this gentleman with great earneſtneſs.

After ſome debate, a diviſion enſued, when there appeared,

For the motion, - - -	52
Againſt it, - - -	120
Majority - - -	68

NOVEMBER 29.

While the Commons were proceeding to make good their additional charges againſt Mr. Haſtings, the Peers were making the neceſſary arrangement for his trial; accordingly on the 29th of November, that Houſe proceeded to take farther into conſideration the anſwers preſented by Warren Haſtings, Eſq. againſt certain articles of impeachment preferred againſt him by the Houſe of Commons. Mr. Haſtings attending without, was brought to the bar by the Uſher of the Black Rod, and kneeling, when he approached the ſame, was directed by the Lord Chancellor to riſe: the Clerks read the anſwers, relieving each other at the end of three ſkins of parchment; at about half after five they got through the whole of the buſineſs. The Lord Chancellor then aſked Mr. Haſtings, whether thoſe were the anſwers he meant to abide by; and being anſwered in the affirmative, he was directed to withdraw.

Mr. Haſtings in his defence affirms, that he was four ſeveral times expreſſly appointed by the legiſlature to the office of Governor-General of Bengal, in ſeaſons of great difficulty and diſtreſs, affecting every part of the Britiſh empire; and that he never, directly or indirectly, applied to the King's Miniſters, to the Directors, or to any individual whatſoever, either to be originally appointed Governor-General of Bengal, or to be continued in that high office; that many of the acts for which he ſtands impeachable were done prior to ſeveral of his re-appointments; that they were regularly communicated by him to the Court of Directors, and by them, according to law, to the King's Miniſters; that of the millions who are ſaid to be aggrieved by his acts, no one man has yet been found to complain againſt him, although the charges originally exhibited arrived in India in the month of Auguſt 1786; that the ſyſtem of Government which he eſtabliſhed, is at this moment adhered to; that the Princes of India, whom he is ſaid by his acts to have injured, have correſponded with him ſince his return to England, and at the preſent moment continue their correſpondence with him; that from the Proprietors and Directors of the Eaſt India Company he received the moſt flattering marks of approbation while abroad, and on his return to England, the unanimous thanks of the Court of Directors, for his long, faithful, and able ſervices; that at the time he reſigned the ſervice of the Company, he received the moſt convincing proof of the eſteem of his fellow-ſervants, and the Britiſh ſubjects in Calcutta, in an addreſs delivered to him on the morning of his departure, and that a ſecond from the officers of the army was tranſmitted to him many months after his return to England; that ſo far from the honor of the nation having been affected, or the Company's proſperity diminiſhed by his acts, he affirms, that during a long and arduous Government, the national character was preſerved in Indoſtan, and the Company's proſperity conſiderably increaſed; that after peace had been completely reſtored to every part of India, and the internal arrangements conſequent of peace effected, he, on the 1ſt of February 1785, voluntarily reſigned that ſtation, which he had held for 13 years; that he had not mentioned the preceding circumſtances with a view of eluding any ſpecific article of accuſation, but when he was accuſed of rapacity, tyranny, injuſtice, peculation,

peculation, and breach of faith, he deemed himſelf intitled to ſtate generally, that the tenor of his character, as known and eſteemed by thoſe amongſt whom he had ſerved for ſo many years, was held in every inſtance the reverſe.

A copy of the above anſwer was, upon motion, ordered to be ſent to the Houſe of Commons.

DECEMBER 10.

A meſſage from the Commons being delivered, acquainting their Lordſhips, that certain of their Members attended, they were ordered to be admitted; and being introduced, Mr. Burke, accompanied by the Committee choſen for that purpoſe, delivered in the uſual form to the Lord Chancellor, at their Lordſhips' bar, the replication of the Commons to the anſwer of Warren Haſtings, Eſq. againſt the charges exhibited againſt him.

The Commons having retired, the above was read by the Clerk of Parliament, and a conſequent order made,

That their Lordſhips do proceed to the trial of Warren Haſtings, Eſq. at the bar of their Houſe on the thirteenth day of February next.

Ordered, that the proper officers do make the neceſſary preparations for the aforeſaid trial.

DECEMBER 12.

Lord Kinnaird moved, "That an humble Addreſs be preſented to his Majeſty that he will be graciouſly pleaſed to give directions to the proper officers, to prepare Weſtminſter Hall for the trial of Warren Haſtings, Eſq; the ſaid Warren Haſtings having been charged with High Crimes and Miſdemeanors, and impeached by the Commons of England at the bar of that Houſe."

DECEMBER 14.

The Lords with white ſtaves informed the Houſe, that his Majeſty had been waited on with their Lordſhips' Addreſs, for the fitting up of Weſtminſter-Hall, for the trial of Warren Haſtings, Eſq; and that his Majeſty had been graciouſly pleaſed to anſwer, that he would give the neceſſary orders for that purpoſe.

FEBRUARY 7, 1788.

The Hon. Mr. F. Montagu made a report from the Committee appointed to ſearch precedents in caſes of impeachments, when the following orders were agreed to, viz.

I. That the Managers appointed to make good the articles of impeachment againſt Warren Haſtings, Eſq. do firſt go out of the Houſe to the places appointed for them in Weſtminſter-Hall, before the other members do go out of the Houſe.

II. That after the Speaker ſhall have left the chair, the members, for the more regular proceeding, be called over by the Clerk, by their counties as uſual.

III. That no member do preſume to go out of the Houſe, till the county for which he ſerves be called.

IV. That no perſons but members of this Houſe do preſume to ſit in the places appointed for members in Weſtminſter-Hall.

V. That the Serjeant at Arms do take into cuſtody all perſons not being members, who may be found in ſuch places.

That all paſſages leading to and from the ſaid places be kept clear.

That theſe orders be obſerved on each day of the ſaid trial.

PRO-

ORDER

OF THE

PROCESSION

FROM THE

HOUSE of LORDS

TO THE

HIGH COURT OF PARLIAMENT

IN

WESTMINSTER-HALL.

Gentlemen Attendants of the Lord Chancellor,
Two and Two.
The Clerks of the Houſe of Lords, with the Two Clerks
of the Crown, in the Courts of Chancery
and King's Bench.
The Maſters in Chancery, Two and Two.
King's Serjeants.
The JUDGES.
Peers Eldeſt Sons, and Peers minor, Two and Two.
Yeoman Uſher of the Houſe.
Gentleman Uſher of the Black Rod
The PEERS, Two and Two.
(Barons, Biſhops, Viſcounts, Earls, Marquiſſes and Dukes)
Serjeant at Arms, with his Mace.
HERALDS.
The LORD HIGH CHANCELLOR of GREAT-BRITAIN.

[For the Arrangement of the different SEATS in the Court, the Reader is referred to the PLAN annexed.]

THE

TRIAL

OF

WARREN HASTINGS, Eſq. &c.

FIRST DAY.

WEDNESDAY, FEBRUARY 13.

THE Houſe met at ten, and by eleven a meſſage was ſent to the Commons, that the Houſe was immediately going to adjourn to Weſtminſter-Hall, to proceed upon the trial of Warren Haſtings, Eſq. The meſſage was immediately returned, that the Commons were ready to ſubſtantiate their charges. The Lords were then called over by the Clerk, and arranged by Sir Iſaac Heard, Principal King at Arms, when upwards of two hundred proceeded in order to Weſtminſter-Hall *.

* Previous to their Lordſhips approach to the Hall, about eleven o'clock, her Majeſty, with the Princeſſes Elizabeth, Auguſta and Mary, made their appearance in the Duke of Newcaſtle's gallery. Her Majeſty was dreſſed in a fawn-coloured ſattin, her head-dreſs plain, with a very ſlender ſprinkling of diamonds. The Royal box was graced with the Ducheſs of Glouceſter and the young Prince. The ladies were all in morning dreſſes; a few with feathers and variegated flowers in their head-dreſs, but nothing ſo remarkable as to attract public attention.

Mrs. Fitzherbert was in the Royal box.

The Dukes of Cumberland, Glouceſter and York, and the Prince of Wales, with their trains, followed the Chancellor, and cloſed the proceſſion.

Upwards of two hundred of the Commons with the Speaker, were in the gallery.

The Managers, Charles Fox and all, were in full dreſs.

But a very few of the Commons were full dreſſed—ſome of them were in boots. Their ſeats were covered with green cloth—the reſt of the building was "one red."

Mr. Haſtings ſtood for ſome time—On a motion from a Peer, the Chancellor allowed, as a favour, that the Priſoner ſhould have a chair—And he ſat the whole time—but occaſionally, when he ſpoke to his Counſel.

His Counſel were Mr. Law, Mr. Plomer, Mr. Dallas.—For the Commons—Dr. Scott and Dr. Lawrence; Meſſrs. Mansfield, Piggot, Burke, and Douglas.

A party of horſe-guards, under the command of a Field Officer, with a Captain's party from the horſe-grenadiers, attended daily during the trial.

A body of three hundred foot-guards alſo kept the avenues clear, and a conſiderable number of conſtables attended for the purpoſe of taking offenders into cuſtody.

The Peers were preceded by
Lord Chancellor's Gentlemen Attendants, two and two,
Clerk Affiſtant of the Houſe of Lords, and Clerk of the Parliaments.
Clerk of the Crown in Chancery.
Clerk of the Crown in the King's Bench.
Maſters in Chancery, two and two.
The Judges.
Serjeants Adair and Hill.
Yeoman Uſher of the Black Rod.
Sir Francis Molyneux, Gentleman Uſher of the Black Rod.
Two Heralds.
The Lords Barons, two and two.
The Lords Biſhops, two and two.
The Lords Viſcounts, two and two.
The Lords Earls, two and two.
The Lords Marquiſſes, two and two.
The Lords Dukes, two and two.
The Mace-Bearer.
The Lord Chancellor, with his train borne.
(All in their Parliamentary Robes.)

The Lords Spiritual ſeated themſelves on their Bench, which was on the ſide on which they entered; as they paſſed the throne, they bowed to it, as if the King was ſeated in it.

The Temporal Lords croſſed over the Houſe, and each made a reſpectful bow to the ſeat of Majeſty.

In this proceſſion, the juniors of each claſs of Nobility walked firſt; and the ſeniors laſt; of courſe the laſt held the moſt honourable ſtation.

As ſoon as their Lordſhips were ſeated in the Lower Chamber, the Lord Chancellor aſked leave for the Judges to be covered.

At twelve the Court was opened, and the Serjeant at Arms, with a very audible voice, made the uſual proclamation; after which, in old blunt Engliſh, he ſummoned "War-" ren Haſtings, Eſq. to come forth in Court " to ſave THEE AND THY BAIL, otherwiſe " the recognizance of thou and thy bail will " be forfeited."

Mr. Haſtings immediately appeared at the Bar with his two ſureties, Mr. Sullivan and Mr. Sumner, and immediately dropped on his knees; when the Lord Chancellor ſignified that he might riſe. He ſeemed very infirm, and much indiſpoſed. He was dreſſed in a plain poppy-coloured ſuit of clothes.

After Mr. Haſtings appeared at the Bar, a Proclamation as follows was made:

" Whereas Charges of High Crimes and " Miſdemeanors have been exhibited by the " Knights, Citizens, and Burgeſſes in Par-" liament aſſembled, in the name of them-" ſelves, and of all the Commons of Great " Britain, againſt Warren Haſtings, Eſq. " All perſons concerned are to take notice, " that he now ſtands on his trial, and they " may come forth in order to make good the " ſaid charges."

Proclamation being made, the Lord Chancellor roſe, and addreſſed the priſoner as follows:—

" Warren Haſtings,

" You are called upon, after every expe-" dient allowance, for your defence. You " have had bail: you have Counſel. Much " time alſo has been granted you—becoming " well the circumſtances of your caſe.

" For the matter in the Charges is moſt " momentous, and the dates are remote, " ſince the occurrences in thoſe charges al-" ledged againſt you are ſaid to have been " committed

" Theſe advantages you muſt underſtand, " while you feel.—You are to deem them " not an indulgence of this Houſe—but the " fair claim of right—a conceſſion of nothing, " but what you have in common with all " around you—what every Britiſh ſubject " may aſk, and every Britiſh tribunal muſt " allow.

" Conduct your Defence, therefore, in a " manner that may befit your ſtation, and the " magnitude of the charges againſt you.—" Eſtimate rightly the high character of thoſe " you have to anſwer—the Commons of Great " Britain!—who, at once, perhaps, attach " likelihood to doubt—and enforce authori-" ty, certainly, on accuſation."

To which Mr. Haſtings made almoſt verbatim the following anſwer:

" My Lords,

" I am come to this high tribunal equally " impreſſed with a confidence in my own in-" tegrity, and in the juſtice of the Court be-" fore which I ſtand."

This ceremony being over, the reading Clerk began to read the firſt charge, and with the Clerk Affiſtant, Deputy Clerk of the Crown, and another gentleman who attended as an additional Clerk, their Lordſhips got through the reading of ſeven charges and ſeven anſwers.

The Marquis of Stafford, when it was impoſſible for the Clerk to ſee any longer, moved to adjourn to the Chamber of Parliament; when, upon motion, the further conſideration of the above trial was put off until ten o'clock next morning.

SECOND DAY.

THURSDAY, FEBRUARY 14.

The names of the Houſe being called over by Garter King at Arms and his Aſſiſtant, the proceſſion went in the ſame order as the preceding day, and being ſeated in the Court, the

the ſame formalities took place as at the opening of the buſineſs; after which Mr. Haſtings was called to the bar with his bail, Mr. Sullivan and Mr. Sumner.

The remaining twelve charges and the anſwers were then read by the Clerks attending. It was near five o'clock before the reading was finiſhed, and the concluſion of Mr. Haſtings' defence evidently made a deep impreſſion upon the audience.—The Lords immediately returned to their Houſe, and adjourned *.

THIRD DAY.

FRIDAY, FEBRUARY 15.

The Court being ſeated, † and after the uſual proclamation Mr. Haſtings appearing at the bar, the Lord Chancellor demanded who appeared in behalf of the Commons to ſubſtantiate the Charges.

Mr. Burke immediately roſe, and made his obedience to the Court; and every eye was at this moment rivetted upon him. "He ſtood forth, he ſaid, at the command of the Commons of Great Britain, as the accuſer of Warren Haſtings."

Mr. Burke then ſtopped for above a minute, at the end of which he reſumed, and continued his ſpeech for two hours and a half. It was grave and temperate; but was pathetic and affecting. Every expreſſion and ſentiment was appropriate; and though in the progreſs he led the ignorant to the moſt familiar acquaintance with the origin of the crimes and the evils of India, he aſtoniſhed the moſt knowing with the new aſpect which he gave to the whole, after it had been ſo long agitated and ſo thoroughly diſcuſſed.

He apoſtrophized the tribunal before which he ſtood—congratulated his country on poſſeſſing ſo powerful an inſtrument of juſtice, and ſo authoritative a corrector of abuſe, and hoped that no corruptions would ever taint, and no ſocieties of ſpecial pleading and Old Bailey prevarication be able to undermine it.

He ſtated, that the ſubject matter of the preſent Impeachment had been in a courſe of inveſtigation and enquiry for nearly fourteen years before the Commons of England; that the reſult was, their having found ample reaſon to conclude, that Mr. Haſtings ought, in juſtice to the millions who had lived under his government in Aſia, and in juſtice to the national character, which he appeared to have diſgraced by his conduct in the exalted ſtation of Governor General of India, to be put upon his trial. He then went into a general view of the hiſtory of Hindoſtan, and of its particular hiſtory as affected by Engliſh enterprize and Engliſh rapine. He enumerated and deſcribed the various ranks of Engliſh ſociety in India, and carried them through their ſeveral gradations of writer, factor, junior merchant, and ſenior merchant, up to the ſtate officers in the ſervice. He paſſed from this to the Indian character, and drew the picture of a Banyan in the moſt forcible and glowing colours. He next went into a ſhort but admirably drawn hiſtory of the people, religion, manners, and revolutions of the Gentoo tribes—their diviſion into caſts—their local religion and prejudices—the irruption and change made by the Mahometan—the revolution accompliſhed by the Tartar Tamerlane, and the ſlow but more portentous conſequences of the Engliſh inroad. In the courſe of his ſpeech he worked up the paſſions of the Court in ſo powerful a manner, when he deſcribed the ſufferings of the native Hindoos under the government of Mr. Haſtings, that the Court repeatedly called out HEAR! HEAR! At half after two he concluded his exordium, and brought down the ſubject to the year 1756; at which æra, he ſaid, if their Lordſhips would give him leave, he would begin to trace the conduct of Mr. Haſtings; but being then much fatigued, he prayed permiſſion to proceed the next day, which was granted, and the Houſe adjourned.

* The attendance of the Houſe of Commons was this day very thin—the number of Members, for a few minutes near the cloſe, was 40—through the greater part of the day, there were not 20 preſent.—The audience, too, was comparatively thin.

There were preſent near 80 Temporal Peers—and 15 Biſhops, including York and Canterbury.

† There were preſent, Barons 54—Biſhops 17—Earls, Marquiſſes, and Viſcounts 68—Dukes 12—Judges 9—Princes of the Blood 4—in all 164.

Fourth Day.

Saturday, February 15.

The Court being opened with the uſual ſolemnities *, and Mr. Haſtings called to the bar,

Mr. Burke reſumed his introductory addreſs to the Court. He commenced by obſerving, that in his ſpeech of the preceding day, he had thought it neceſſary, for the preciſion of their future judgment, to deſcribe at large the ſituation and manners of the people of India, though that deſcription did not tend directly to the crimination of Mr. Haſtings. Though he had ſpoken of the tyranny of their Subahs, Mr. Haſtings was no farther culpable, in that reſpect, than in having followed their ſteps with a SERVILE FIDELITY:—he had mentioned the weakneſs of ſome particular inſtitutions; but there Mr. Haſtings was only to blame, where he had abuſed that weakneſs in the purſuance of intereſted purpoſes. This general ſtatement, however, was neceſſary to the underſtanding of the ſpecific facts; which, with their ſubſtantiation by evidence, ſhould, in due time, be ſubmitted to the Court.

The æra, Mr. Burke obſerved, of Europeans firſt landing in Hindoſtan, was not leſs remarkable than it might have been glorious, if proper meaſures had been purſued; if the diſcoveries of a more enlightened part of the globe had been communicated to its innocent inhabitants; and if the reformed Chriſtianity of this Iſland had been properly inculcated. But this unfortunately was not done. In the place of friendly communication, the traces of European acceſs were marked by treachery and rapine. Thoſe who firſt advanced, had undoubtedly to paſs over a vaſt river, with the depth of which they were wholly unacquainted; but by frequent practice, a bridge was laid, 'over which the lame might paſs, and the blind might grope their way.' The arts of plunder might have been ſuppoſed to have reached their height under the command of Lord Clive, but when that nobleman returned to Europe, it appeared that he left an abundant crop of ſucceſſors behind. All theſe too were inured to the practices of rapine, and encouraged to ſuch a degree by repeated ſucceſs, that there was not a captain of a band of ragged ſepoys who did not look to the depoſition of a Subah, and the plunder of a province.

Mr. Burke then proceeded to illuſtrate theſe general poſitions, by entering into a detailed account of the tranſactions in India, from 1760 to the year 1774, when Mr. Haſtings returned to India in the character of Preſident of the Supreme Council. He dwelt at large on the ſeveral revolutions which took place in that period, when, by the intervention of the Company's troops, the Sovereignty was transferred from Sujah Dowlah to Meer Jaffier, and again from Meer Jaffier to his ſon-in-law, Coſſim Ally Cawn. In the latter of theſe, Mr. Haſtings, who was then Reſident at the Durbar, had been employed. Treachery, he ſaid, was found neceſſary to effectuate the purpoſes of the Engliſh, and therefore the aſſiſtance of Warren Haſtings was eſſentially requiſite. He dwelt alſo, at length, on the oppreſſion of Mahomed Reza Cawn, the famine which ſucceeded, and the events in general which took place before the appointment of the Supreme Council. But through a detail ſo various and complicated it would be vain to follow him.

On ſpeaking of the appointment and character of Mr. Haſtings, the conduct of this gentleman, he ſaid, had been diſtinguiſhed for an adherence, not to the general principles which actuate mankind, but to a kind of GEOGRAPHICAL MORALITY—a ſet of principles ſuited only to a particular climate, ſo that what was peculation and tyranny in Europe, loſt both its eſſence and its name in India. The nature of things changed, in the opinion of Mr. Haſtings; and as the ſeamen have a cuſtom of dipping perſons croſſing the EQUINOCTIAL, ſo by that operation every one who went to INDIA was to be UNBAPTIZED, and to loſe every idea of religion and morality which had been impreſſed on him in EUROPE. But this doctrine, he hoped, would now no longer be advanced. It was the duty of a Britiſh Governor to enforce Britiſh laws; to correct the opinions and practices of the people, not to conform his opinion to their practice; and their Lordſhips would therefore undoubtedly try Mr. Haſtings by the laws with which they were acquainted, not by laws which they did not know. But Mr. Haſtings had pleaded the local cuſtoms of Hindoſtan, as requiring the

* There were preſent, Barons 54—Biſhops 17—Viſcounts, Earls, and Marquiſſes, 68—Dukes 14—Judges 9—the Lord Chancellor, the Royal Dukes, with the Prince of Wales, cloſed the proceſſion—Total 173; being a greater number than appeared on any of the former days.

coercion

coercion of arbitrary power *. He claimed ARBITRARY POWER. From whom, in the name of all that was ſtrange, could he derive, or how had he the audacity to claim, ſuch a power? He could not have derived it from the Eaſt India Company, for they had none to confer. He could not have received it from his Sovereign, for the Sovereign had it not to beſtow. It could not have been given by either Houſe of Parliament—for it was unknown to the Britiſh Conſtitution!

Yet Mr. Haſtings acting under the aſſumption of this authority, had avowed his rejection of Britiſh Acts of Parliament, had gloried in the ſucceſs which he pretended to derive from their violation, and had on every occaſion attempted to juſtify the exerciſe of arbitrary power in its greateſt extent.

[Mr. Burke being greatly exhauſted, Mr. Adam read a letter to this effect from Mr. Haſtings to the Court of Directors,]

Having thus avowedly acted in oppoſition to the laws of Great Britain, he fled, but in vain, for ſhelter to other laws and other uſages. Would he appeal to the Mahomedan law for his juſtification? In the whole Koran there was not a ſingle text which could juſtify the powers he had aſſumed. Would he appeal to the Gentoo Code? There the effort would alſo be vain; a ſyſtem of ſtricter juſtice, or more pure morality, there did not exiſt. It was therefore equal whether he fled for ſhelter to a Britiſh Court of Juſtice or a Gentoo Pagoda; he in either inſtance ſtood convicted as a daring violator of the laws. If he appealed, indeed, to the practices of the country, it would be granted, that other peculators and other tyrants had exiſted before Warren Haſtings; but that was by no means a juſtification of his conduct: on the contrary, as they did not pretend to act according to the laws, ſo they were puniſhed by their ſuperiors for acting in oppoſition to the laws. Mr. Burke here recited ſome inſtances where ſimilar offences had been puniſhed in Officers of finance by the Sovereigns of the diſtrict, as being contrary to the laws of Hindoſtan.

He concluded a ſpeech of three hours and ten minutes, by an apology to the Court for the time he had occupied. If he had been diffuſe, he hoped their Lordſhips would attribute it ſolely to an anxious wiſh that juſtice ſhould take place in a cauſe, the moſt complicated and momentous, perhaps, that ever was ſubmitted to any Court. He ſhould now proceed, he ſaid, to ſubſtantiate the ſeveral charges, beginning with that corrupt rapacity from which the delinquency had ſprung, and proceeding from thence to the other branches of guilt, which would appear to have been produced from that ruling principle, both in the internal government of Bengal, and in the other provinces, which he had ſo ſignificantly called his EXTERNAL RESOURCES.

Mr. Burke appeared to be greatly exhauſted by the delivery of this ſpeech.

The Court adjourned to Monday.

FIFTH DAY.

MONDAY, FEBRUARY 18.

The Lords having taken their ſeats, Mr. Burke reſumed his ſpeech.

He ſaid, that the government of Mr. Haſtings was founded in bribery and corruption; that his adminiſtration was one continued ſcene of peculation. Nunducomar, a man of high rank, had become the accuſer of Mr. Haſtings; but he was ſoon taken off by a proſecution for felony. But Nunducomar was not the only accuſer; if every thing that man had ſaid of Mr. Haſtings had been ſcandalouſly falſe, ſtill it appeared upon the oath of one of the moſt illuſtrious Ladies, or Princeſſes in Bengal, that Mr. Haſtings had received from her, or her agents, a bribe of 40,000l. ſterling. This oath, and this charge of peculation, were upon record in the archives of the Eaſt-India Company; but no trace could be found of any anſwer made by Mr. Haſtings to a charge ſo injurious to his character.

* When Mr. Burke's argument led him forth againſt arbitrary power, he called together all the forces of Truth and Equity—not only the Genius of England, but of all Aſia, clamorous on his ſide—The Koran—the Inſtitutes of Timur—the Gentoo Code—all, at every idea of tyrannical uſurpation, as ſtrong and ſtedfaſt as our Statutes at Large.—In ſhort, ſaid he, "Talk to me any where of Power, and I'll tell you of Protection! Mention a "Magiſtrate, and the idea follows of Property! Shew me any Government, and you are "to ſee the propoſed intereſt of thoſe governed!—Power conſtituted otherwiſe is a mon-"ſter—that is impoſſible!—in every ſyſtem, where there is any notion of the Juſtice of "God, or the Good of Mankind!

"To act or think otherwiſe is blaſphemy to religion, no leſs than uproar in local order! "For "Every good and perfect gift is of God;"—and what good gift of God to Man can "be more perfect, than the innate idea of Juſtice and Mercy—the Law written in our "Hearts—the PRIMUM VIVENS, the ULTIMUM MORIENS, of every being that has the "boaſt of reaſon!"

There

There was alſo evidence, he obſerved, of a bribe of 40,000l. more, received for a judgment pronounced by Mr. Haſtings, in a cauſe wherein the half-brother of a deceaſed Rajah, and an adopted ſon of the ſame Rajah, were concerned; they both claimed the inheritance of the deceaſed, which was of immenſe value; for he had died poſſeſſed of a tract of land equal in extent to all the northern counties of England, Yorkſhire included.

The ſyſtem of peculation purſued by Mr. Haſtings had met with many checks, from the integrity of Gen. Clavering, Col. Monſon, and Mr. Francis; but it had extended ſo far, that it could not be concealed from thoſe who felt for the honour of the Britiſh name and for humanity. Mr. Haſtings knew this, and having reaſon to apprehend that the enquiry inſtituted by Parliament into delinquencies on the coaſt of Coromandel, would at laſt reach Bengal, he ſuddenly had recourſe to an expedient for ſcreening himſelf from the reſentment of his conſtituents, by making them gainers by his peculation. Finding himſelf on the eve of detection, he paid into the Company's treaſury a vaſt ſum of money which he had received contrary to law; but then he ſaid he did not receive it for his own uſe, but for that of the Company. However, there was in this inſtance a circumſtance that ſeemed to contradict his aſſertion, "That he had received the money for the uſe of the Company:" it was this;—When he paid the money into the treaſury at Calcutta, he took bonds for it; ſo that, in fact, the Company, to whom this money was ſaid to belong, was made debtor to Mr. Haſtings for the full amount of it. On his being queſtioned at home by the Court of Directors, and aſked why he had taken bonds for money not his own, his anſwer was, "That he did not know; he could not tell at that diſtance of time (leſs than three years); it might be to prevent the curious at Calcutta from being acquainted with the proceedings of the ſtate; that he ought not to be preſſed now for an account of motives which he no longer remembered, and of which he could not give any account now, as his papers were in India."

Peculation ſlept for ſome time, whilſt Mr. Haſtings had a majority of the Council againſt him. But Gen. Clavering and Col. Monſon having been removed by death, and Mr. Francis, harraſſed and tired of his ſituation, having reſigned, the Council then conſiſted of only Mr. Haſtings and Mr. Wheler; and the former having a caſting voice, had in his own perſon a majority in the Council; or, in other words, the whole Government of India was veſted in himſelf alone.—Then it was that he reſolved to open anew the channels of peculation. Six provincial Councils had been eſtabliſhed for the collection and management of the public revenue; but theſe Councils he aboliſhed, and in their room eſtabliſhed one ſingle Council, under whoſe management was placed the adminiſtration of the whole revenue of the kingdoms of Bengal, Bahar, and Orixa. This new Council he compoſed entirely of his own creatures and favourites; but as it was neceſſary they ſhould have for their Secretary ſome native, acquainted with the laws and cuſtoms of the country, he appointed one who was entirely devoted to him.—— This was the famous, or rather infamous Congo Burwant Sing. Of this man there were not two opinions; all the friends as well as the enemies of Mr. Haſtings agreeing, that he was the moſt atrocious villain that India ever produced. The Members of the new Council ſoon felt that they were cyphers, and mere tools to this deteſtable inſtrument of corruption. This they themſelves expreſſed in a letter, which Mr. Burke read, in which they ſaid that he dived into the ſecrets of families, availed himſelf of them, and had it in his power to lay the whole country under contribution. Such was the confidential agent of Mr. Haſtings. Before that Gentleman had appointed him Secretary to the new Council, he knew the public opinion of the man; and yet he wrote to the Court of Directors, that this Congo Sing was generally ſpoken ill of, but that he knew no harm of him: He knew, however, that he was a man of great abilities, and therefore he employed him.

Next in infamy to Congo Burwant Sing, and ſecond only to him in villainy, was Devi Sing; one of the moſt ſhocking monſters that ever ſtained the page of hiſtory.—This villain, driven on account of his infamous adminiſtration from one important ſtation which he held, was able to obtain, through his partner in iniquity, Congo Burwant Sing, a moſt lucrative ſituation under the Company: he was admitted at a time when he was a bankrupt, and owed 210,000l. to farm the revenue of a very large diſtrict. One part of his inſtructions was, that he ſhould not raiſe the rents, or impoſe new taxes upon the inhabitants; but ſuch inſtructions did not weigh much with a man, who knew that if he broke through them, he was ſure of impunity, through the powerful influence of Congo Burwant Sing.

He therefore reſolved by plunder and rapine of every ſort, to make the moſt of his bargain. He immediately raiſed the rents, contrary to his inſtructions:—he threw the people of quality, as well as others, into priſon, and there made them give him bonds to what amount he pleaſed, as the purchaſe of their

their liberty.—Theſe bonds he afterwards put in force.—Firſt, he put their demeſne lands up to auction, and they were knocked down at *one* year's purchaſe, though the uſual price of land in that country was ten. The real purchaſer was himſelf.—Next he ſold the lands they held by leaſe; next the lands given by the then owners, or their anceſtors, for the pious and humane purpoſes of providing for the ſick and infirm; laſtly, he ſold even the very ground deſtined for the burial of the owners; and this was to them, from the nature of their education and religion, the moſt heart-rending of all their loſſes.—This, however, was not all.—He made uſe of a ſpecies of *pillory*, which in India is more dreadful than death, becauſe it drives people from their *caſt*. Thoſe who have been diſgraced by this pillory, no matter whether with or without juſt cauſe, are, as it were, excommunicated; they are diſowned by their own tribe, nay, by their own neareſt relations, and are driven into the ſociety of the outcaſts of all ſociety. This pillory is a *bullock*, with a drum on each ſide, and the perſon who is once ſeated on it, is ever after diſgraced and degraded, he and all his poſterity. Devi Sing had this tremendous bullock walking through the villages; at his approach the inhabitants all fled: and ſo general was their deſertion of their habitations, that an Engliſhman travelled 15 miles without ſeeing a fire, or a light in any houſe.

The poor Ryots, or huſbandmen, were treated in a manner that would never gain belief, if it was not atteſted by the records of the Company; and Mr. Burke thought it neceſſary to apologize to their Lordſhips for the horrid relation, with which he would be obliged to harrow up their feelings: the worthy Commiſſioner Patterſon, who had authenticated the particulars of this relation, had wiſhed that for the credit of human nature, he might have drawn a veil over them; but as he had been ſent to enquire into them, he muſt, in diſcharge of his duty, ſtate thoſe particulars, however ſhocking they were to his feelings. The cattle and corn of the huſbandmen were ſold for leſs than a quarter of their value, and their huts reduced to aſhes! the unfortunate owners were obliged to borrow from uſurers, that they might diſcharge their bonds, which had unjuſtly and illegally been extorted from them while they were in confinement; and ſuch was the determination of the infernal fiend, Devi Sing, to have theſe bonds diſcharged, that the wretched huſbandmen were obliged to borrow money, not at 20, or 30, or 40, or 50, but at SIX HUNDRED per cent. to ſatisfy him! Thoſe who could not raiſe the money, were moſt cruelly tortured: cords were drawn tight round their fingers, till the fleſh of the four on each hand was actually incorporated, and become one ſolid maſs: the fingers were then ſeparated again by wedges of iron and wood driven in between them.—Others were tied two and two by the feet, and thrown acroſs a wooden bar, upon which they hung, with their feet uppermoſt; they were then beat on the ſoles of the feet, till their toe-nails dropped off.

They were afterwards beat about the head till the blood guſhed out at the mouth, noſe, and ears; they were alſo flogged upon the naked body with bamboo canes, and prickly buſhes, and, above all, with ſome poiſonous weeds, which were of a moſt cauſtic nature, and burnt at every touch.—The cruelty of the monſter who had ordered all this, had contrived how to tear the mind as well as the body; he frequently had a father and ſon tied naked to one another by the feet and arms, and then flogged till the ſkin was torn from the fleſh; and he had the deviliſh ſatisfaction to know that every blow muſt hurt; for if one eſcaped the ſon, his ſenſibility was wounded by the knowledge he had that the blow had fallen upon his father: the ſame torture was felt by the father, when he knew that every blow that miſſed him had fallen upon his ſon.

The treatment of the females could not be deſcribed:—dragged forth from the inmoſt receſſes of their houſes, which the religion of the country had made ſo many ſanctuaries, they were expoſed naked to public view; the virgins were carried to the Court of Juſtice, where they might naturally have looked for protection; but now they looked for it in vain; for in the face of the Miniſters of Juſtice, in the face of the ſpectators, in the face of the ſun, thoſe tender and modeſt virgins were brutally violated. The only difference between their treatment and that of their mothers was, that the former were diſhonoured in the face of day, the latter in the gloomy receſſes of their dungeons. Other females had the nipples of their breaſts put in a cleft bamboo, and torn off. What modeſty in all nations moſt carefully conceals, this monſter revealed to view, and conſumed by ſlow fires; nay ſome of the monſtrous tools of this monſter Devi Sing had, horrid to tell! carried their unnatural brutality ſo far as to drink in the ſource of generation and life *.

Here Mr. Burke dropped his head upon

* In this part of his ſpeech Mr. Burke's deſcriptions were more vivid—more harrowing—and more horrific—than human utterance on either fact or fancy, perhaps, ever formed be-

ſore.

his hands a few minutes; but having recovered himſelf, ſaid, that the fathers and huſbands of the hapleſs females were the moſt harmleſs and induſtrious ſet of men. Content with ſcarcely ſufficient for the ſupport of nature, they gave almoſt the whole produce of their labour to the Eaſt-India Company: thoſe hands which had been broken by perſons under the Company's authority, produced to all England the comforts of their morning and evening tea; for it was with the rent produced by their induſtry, that the inveſtments were made for the trade to China, where the tea which we uſe was bought.

He then called upon their Lordſhips to prevent the effects of the Divine indignation upon the Britiſh empire, by bringing to juſtice the man who could employ ſo infernal an agent. Thoſe wretched huſbandmen would, with thoſe ſhattered hands lifted up to Heaven, call down its vengeance upon their undoers: he conjured their Lordſhips to avert that vengeance, by puniſhing them who had ſo groſsly abuſed the power given them by this country.

Mr. Burke was here taken ill; but he ſoon recovered, and was proceeding, when he was ſeized with a cramp in his ſtomach, and was diſabled from going on. He was ſoon relieved from his pain, but was too exhauſted to be able to proceed.

Lord Derby, on a nod from the Chancellor and the Prince of Wales, went to Mr. Burke; who, yielding to his Lordſhip and other friends, agreed to defer the reſt of his ſpeech till next day.

SIXTH DAY.

TUESDAY, FEBRUARY 19.

After the uſual ceremonies, Mr. Burke roſe and proceeded upon the remaining part of the charges. At the concluſion, he made a moſt ſolemn appeal to the honour, the dignity, the juſtice, and the humanity of the Court, to enter impartially into the great cauſe which was before them, and to determine accordingly *.

Mr. Fox roſe, and ſtated to their Lordſhips, that he was directed by the Committee to ſubmit to their Lordſhips, that it was their

fore. The agitation of moſt people was very apparent—and Mrs. Sheridan was ſo overpowered, that ſhe fainted.

On the ſubject of the Miniſters of theſe infernal enormities, he broke out with the fineſt animation!

"My Lords," exclaimed Mr. Burke, "let me for a moment quit my delegated charac-
"ter, and ſpeak entirely from my perſonal feelings and conviction. I am known to have had
"much experience of men and manners—in active life, and amidſt occupations the moſt va-
"rious!—From that experience, I now proteſt—I *never* knew a man who was *bad*, fit for
"ſervice that was *good!* There is always ſome diſqualifying ingredient mixing and ſpoiling the
"compound! The man ſeems *paralytic* on that ſide! His muſcles there have loſt their very
"tone, and character!—They cannot move! In ſhort, the accompliſhment of any thing good,
"is a phyſical impoſſibility for ſuch a man. There is decrepitude as well as diſtortion—he
"COULD NOT if he would, is not more certain, than he WOULD NOT, if he could!"

Shocking as are the facts which Mr. Burke related, and which he ſays he finds recorded in the account taken by Mr. Patterſon, who was appointed Commiſſioner to enquire into the circumſtances of this dreadful buſineſs, and of a rebellion which took place in conſequence, Mr. Burke ſays, of the abovementioned cruelties; our readers muſt ſee that Mr. Haſtings cannot be reſponſible for them, unleſs it ſhall be proved that he was privy to, and countenanced the barbarities.

* "I charge (cried he) Warren Haſtings, in the name of the Commons of England,
"here aſſembled, with High Crimes and Miſdemeanors!—I charge him with Fraud, Abuſe,
"Treachery, and Robbery!—I charge him with Cruelties unheard-of, and Devaſtations
"almoſt without a name!—I charge him with having ſcarcely left in India—what will
"prove Satisfaction for his guilt!"

"And now, (added he, in language which faintly hearing, we almoſt tremble to convey)
"and now, (added he) I addreſs myſelf to this Aſſembly, with the moſt perfect reliance on
"the Juſtice of this High Court. Amongſt you, I ſee a venerable and Religious Band,
"whoſe province and whoſe duty it is—to venerate that Government which is eſtabliſhed
"in piety and mercy. To them, what muſt have been the principles of Mr. Haſtings?

"Amongſt you, I ſee the Judges of England, the Deliverers of Law founded on equal
"Juſtice. To them, what muſt have been the Uſurpations, the Tyranny, the Extortions of
"Warren Haſtings?

"Amongſt you, I deſcry an illuſtrious and virtuous train of Nobles—whoſe Forefathers
"have fought and died for the Conſtitution! men who do even leſs honour to their Children,

"than

intention to proceed article by article, to adduce evidence to ſubſtantiate each charge, then to hear the priſoner's evidence and defence, and afterwards to be at liberty to reply.

The Lord Chancellor called upon Mr. Law, ſenior Counſel for Mr. Haſtings, to know whether this mode would be agreeable. Mr. Law anſwered—No; upon which his Lordſhip obſerved to the Committee, that as it was his wiſh that ſubſtantial juſtice might take place, he ſhould be glad to know the reaſons which induced the Right Hon. Manager, and the Committee, to call upon the Court to adopt that mode.

Mr. Fox roſe, and ſtated to their Lordſhips, that the mode propoſed in ſuch a complicated caſe was adopted to avoid obſcurity —to place the various queſtions in ſuch a clear point of view, that their Lordſhips might with the greater eaſe determine *ſeriatim* upon the reſpective merits of each article of impeachment.

Mr. Anſtruther ſpoke to the ſame effect.

Earl Stanhope deſired to know whether the ſame charges were meant to be brought forward in various ſhapes, and whether the ſame evidence was intended to be adduced in ſupport of them?

Mr. Fox replied, that he had ſeen too much of this proſecution, not to know, that all the charges were made upon different grounds diſtinct in their nature and qualities, and requiring a different ſyſtem of evidence to ſupport them; although it might ſo happen in the progreſs of the buſineſs that the ſame evidences might be neceſſary to ſubſtantiate their charges. On his part, and on the part of the Committee and the Houſe, he had no heſitation to declare that they meant to avail themſelves of no ſubterfuge; they meant to bring the charges plainly, clearly, and compleatly home to the priſoner. There were ſeveral precedents of the kind, particularly the impeachment of the Earl of Macclesfield and the Earl of Stafford.

Earl Stanhope being ſatisfied with this explanation—the Lord Chancellor called upon Mr. Law for the reaſons on which he ſupported his objection.

Mr. Law entered into a moſt elaborate argument to prove that it would be inconſiſtent with the rules of juſtice to ſuffer the proſecution to proceed in the mode propoſed by Mr. Fox. He cited the caſe of Archbiſhop Laud, and was very urgent to prove that all the caſes in which impeachments had been determined article by article were by conſent of the party under proſecution. In the warmth of his zeal for Mr. Haſtings, he dropped a few words which reflected upon Mr. Burke, for the harſh and cruel manner in which he had opened the proſecution. It was ſimilar, he ſaid, to the proceedings againſt Sir Walter Raleigh. He was going on, when

Mr. Fox roſe and ſaid, he was commanded by the Committee, not to ſuffer ſuch groſs and indecent liberties to be taken in a caſe where the Commons of England were the proſecutors.

Mr. Law ſaid a few words, and ſat down.

Mr. Plomer followed him; and Mr. Dallas, in a very long and excellent ſpeech, endeavoured to draw the analogy between the practice of the common law in the Courts below, and that mode which ought to prevail in the preſent inſtance. He combated the precedents which were drawn from the trials of the Earl of Macclesfield and Lord Stafford, and aſſerted, that to try each charge, and determine upon it, would, as a neceſſary conſequence, lead to delay, confuſion, and perplexity.

Mr. Fox replied to the three Counſel in a ſpeech that took him an hour and a half, in the courſe of which he attempted to confute every argument which they had urged, and to ſhew, that neither the proſecutors could obtain juſtice, the priſoner have a fair hearing, or the Court diſcharge the duty which they owed to their country and to mankind, unleſs the charges were ſeparated, and the determination of the Houſe obtained upon each of them.

Mr. Fox having finiſhed, the Lords immediately withdrew to their Houſe, and adjourned the Court to Friday.

SEVENTH DAY.

FRIDAY, FEBRUARY 22.

The Court was this day crouded to a degree beyond any thing we had hi-

" than thoſe Children do to them—who are here aſſembled to guard that Conſtitution which " they have received. From them, what muſt the Violator of all Forms and Conſtitutions " deſerve?

" With one voice they will encourage this Impeachment, which I here ſolemnly maintain.

" I Impeach, therefore, Warren Haſtings, in the name of our Holy Religion, which he has " diſgraced.—I Impeach him in the name of the Engliſh Conſtitution, which he has violated " and broken.—I Impeach him in the name of Indian Millions, whom he has ſacrificed to " Injuſtice.—I Impeach him in the name, and by the beſt rights of Human Nature, which he " has ſtabbed to the heart. And I conjure this High and Sacred Court to let not theſe pleadings " be heard in vain!"

therto witneſſed. The expected deciſion of the Houſe of Lords * reſpecting the form of proceeding, and the opening of the firſt charge by Mr. Fox, were the apparent cauſes of the general anxiety.

The uſual ſolemnities being over, the Lord Chancellor addreſſed the Committee.—— "Gentlemen of the Houſe of Commons, the Houſe of Lords have ordered me to acquaint you, that they have made the following order:—"To hear the WHOLE Evidence "in ſupport of ALL the Charges of Im- "peachment, and THEN to let the Defen- "dant enter on his Defence." Upon which Mr. Fox roſe and ſaid, "My Lords, the "Committee beg leave to retire for a few "minutes, to conſult in what manner they "ſhall proceed."

The Chancellor nodded his aſſent; and the Committee withdrew. They were out

* The Lord Chancellor had opened this buſineſs on the preceding day in the Houſe of Lords, and in a ſpeech of conſiderable length given his opinion: he was followed by the Lords Stanhope, Coventry, Abingdon, Loughborough, Richmond, Stormont, Derby, Grantley, Carliſle, and Duke of Norfolk.

The Lord Stanhope concluded his ſpeech with moving,

"That the Managers for the Commons of Great Britain be directed neither to proceed "upon the whole of the Charges, nor upon their Accuſations, Article by Article, but to "proceed upon the criminating Allegations one by one."—Withdrawn.

Queſtion was afterwards put, to agree with the Propoſition as ſtated by the Managers for the Commons.

Contents —— 33 Non-Contents —— 88

Queſtion—"That the Managers for the Commons be directed to proceed upon the whole "of the Charges, before the Priſoner be called upon for his Defence."

Carried in the affirmative without a diviſion.

Againſt this determination, however, the following Proteſt was entered on the Lords' Journals:—

D I S S E N T I E N T,

1ſt. Becauſe we hold it to be primarily eſſential to the due adminiſtration of juſtice, that they who are to judge have a full, clear, and diſtinct knowledge of every part of the queſtion on which they are ultimately to decide: and in a cauſe of ſuch magnitude, extent, and variety, as the preſent, where iſſue is joined on acts done at times and places ſo diſtant, and with relation to perſons ſo different, as well as on crimes ſo diſcriminated from each other by their nature and tendency, we conceive that ſuch knowledge cannot but with extreme difficulty be obtained without a ſeparate conſideration of the ſeveral articles exhibited.

2d. Becauſe we cannot with equal facility, accuracy, and confidence, apply and compare the evidence adduced, and more eſpecially the arguments urged by the proſecutors on one ſide, and the defendant on the other, if the whole charge be made one cauſe, as if the ſeveral articles be heard in the nature of ſeparate cauſes.

3d. Becauſe, admitting it to be a clear and acknowledged principle of juſtice, that the defendant againſt a criminal accuſation ſhould be at liberty to make his defence in ſuch form and manner as he ſhall deem moſt to his advantage; we are of opinion, that ſuch principle is only true ſo far forth as the uſe and operation thereof ſhall not be extended to defeat the ends of juſtice, or to create difficulties and delays equivalent to a direct defeat thereof; and, becauſe we are of opinion, that the propoſition made by the Managers of the Houſe of Commons, if it had been agreed to, would not have deprived the defendant in this proſecution, of the fair and allowable benefit of ſuch principle taken in its true ſenſe; inaſmuch as it tended only to oblige him to apply his defence ſpecially and diſtinctly to each of the diſtinct and ſeparate articles of the Impeachment, in the only mode in which the reſpective merits of the charge and of the defence can be accurately compared and determined, or even retained in the memory, and not to limit or reſtrain him in the form and manner of conſtructing, explaining, or eſtabliſhing his defence.

4th. Becauſe, in the caſe of the Earl of Middleſex, and that of the Earl of Strafford, and other caſes of much leſs magnitude, extent, and variety, than the preſent, this Houſe has directed the proceedings to be according to the mode now propoſed by the Managers on the part of the Commons.

5th. Becauſe, even if no precedent had exiſted, yet, from the new and diſtinguiſhing circumſtances of the preſent caſe, it would have been the duty of this Houſe to adopt the only mode of proceeding, which, founded on ſimplicity, can enſure perſpicuity, and obviate confuſion.

6th. Becauſe

about ten minutes; after which they returned, and took their places in Court.

Mr. Fox then informed their Lordſhips, that the Managers appointed by the Houſe of Commons to conduct the proſecution, chearfully ſubmitted to the deciſion of their Lordſhips, confident as they were, from a conviction of the goodneſs of their cauſe, that let the proceeding take almoſt any courſe, moſt convenient and moſt advantageous to the priſoner, it was next to impoſſible that they ſhould not ſucceed, and fail in their Impeachment. He ſaid, he felt a peculiar pride in ſtanding before that ancient tribunal in the character in which he then had the honour to appear, viz. that of one of the Managers of a proſecution voted by the Repreſentatives of the People, in the name of all the Commons of Great Britain. When he ſaid, he felt a pride on the occaſion, no man would ſuppoſe he meant any perſonal vanity, but that proper pride which every Britiſh ſubject, of every degree, muſt naturally feel, in having ſo ſtriking an example, that what was called the *Lex et Conſuetudo Parliamenti*, the bulwark of the liberties, rights, and privileges, and of every thing that was dear to Engliſhmen, had provided ſuch a means of bringing criminals of the higheſt order to public trial, and, if found guilty, to condign puniſhment. He entered into a diſcuſſion of the nature and meaning of the *Lex et Conſuetudo Parliamenti* (the law and uſage of Parliament), and aſſerted, that it was coeval with our Conſtitution, and that it was, if rightly conſidered, of ſtill greater importance than the common law of England, or even the written or ſtatutory laws of the Realm. He explained this by ſtating, that the *Lex et Conſuetudo Parliamenti* was ſuperior to every other ſpecies of law, ſince it was paramount to all—it judged the Judges, and put thoſe upon their trial who could not be otherwiſe tried at all. Having very elaborately defined what the Law of Parliament was, and by a variety of arguments manifeſted its ſerious importance and great utility, he ſaid, notwithſtanding theſe facts were matters of notoriety, and notwithſtanding that recourſe had been had to the Law of Parliament on a number of critical and preſſing occaſions, there were ſome perſons who had lately, thought proper to affect an ignorance of the exiſtence of the *Lex et Conſuetudo Parliamenti*, and to treat it with no ſmall degree of levity and contempt. Having taken occaſion to aſſign this reaſon for his illuſtration of a ſubject which, he ſaid, could not otherwiſe have required a ſyllable from him to explain to their Lordſhips, who muſt neceſſarily be as fully ſenſible of the meaning and importance of the Law of Parliament as himſelf, he reminded the Court, that the preſent Impeachment was brought forward under circumſtances that diſtinguiſhed it from every other Impeachment, and gave it a degree of luſtre and dignity that had not belonged to

6th. Becauſe we conceive, that the accepting the propoſal made by the Managers would have been no leſs conſonant to good policy than to ſubſtantial juſtice, ſince by poſſeſſing the acknowledged right of preferring their articles as ſo many ſucceſſive Impeachments, the Commons have an undoubted power of compelling this Houſe in future virtually to adopt that mode which they now recommend; and if they ſhould ever be driven to ſtand on this extreme right, jealouſies muſt unavoidably enſue between the two Houſes, whoſe harmony is the vital principle of national proſperity; public juſtice muſt be delayed, if not defeated; the innocent might be harraſſed, and the guilty might eſcape.

7th. Becauſe many of the reaſons upon which a different mode of conducting their proſecution has been impoſed upon the Commons, as alledged in the debate upon this ſubject, appear to us of a ſtill more dangerous and alarming tendency than the meaſure itſelf, foraſmuch as we cannot hear but with the utmoſt aſtoniſhment and apprehenſion, that this Supreme Court of Judicature is to be concluded by the inſtituted rules of the practice of inferior Courts; and that the Law of Parliament, which we have ever conſidered as recognized and reverenced by all who reſpected and underſtood the laws and the conſtitution of this country, has neither form, authority, nor even exiſtence; a doctrine which we conceive to ſtrike directly at the root of all parliamentary proceeding by impeachment, and to be equally deſtructive of the eſtabliſhed rights of the Commons, and of the criminal juriſdiction of the Peers, and conſequently to tend to the degradation of both Houſes of Parliament, to diminiſh the vigour of public juſtice, and to ſubvert the fundamental principles of the conſtitution.

PORTLAND, DEVONSHIRE, BEDFORD, CARDIFF, DERBY,
WENTWORTH FITZWILLIAM, STAMFORD, LOUGHBOROUGH, CRAVEN.

For the 1ſt, 2d, and 7th reaſons, MANCHESTER.

For the 1ſt and 2d reaſons only, TOWNSHEND, HARCOURT, LEICESTER.

any former profecution of a fimilar fort.—Their Lordfhips would recollect, that moft if not all of the ancient Impeachments had been agitated on a fudden, in a moment of party rage and fury, and had been uniformly brought forward by the triumphant fide of the Houfe of Commons, viz. by thofe who took the lead there, and were at the head of the majority. In the prefent inftance, far different had been the origin, far different the completion and progrefs of the profecution. After many years of laborious inveftigation and enquiry, upon full and mature conviction, in a deliberate manner, and free from heat or indignation, or any impulfe of the moment, Charges of High Crimes and Mifdemeanors had been exhibited againft Warren Haftings, Efq. in the Houfe of Commons, by thofe who were well known to form a party; weak, indeed, in point of weight or authority compared to that party which was the triumphant one, and which did poffefs every poffible degree of weight and authority in that Houfe. Long ufed to difputes and conteits, the two parties had carried on a political warfare in Parliament with great acrimony for fome time; but fuch was the conviction produced by an inveftigation of the charges, and a fair difcuffion of their contents, that to the immortal honour of the Houfe of Commons, and to the glory of the country, both parties met upon the fubject, and, forgetting all former animofities, confented to unite in putting a perfon, who appeared to them to have committed various high crimes and mifdemeanors, upon his trial before their Lordfhips; thereby manifefting to India, and to all the world, that Britifh juftice never forgot nor difregarded the grievances of any defcription of perfons, however diftant their fituation, who were in any degree entitled to its protection. Mr. Fox dilated on this idea at fome length *, and fhewed the difintereftednefs of the Houfe of Commons collectively, and its Managers in particular, in bringing forward the prefent Impeachment, fince it was not poffible for them to derive any benefit or advantage from thofe whofe wrongs they wifhed to redrefs, and the author of whofe injuries, if he fhould be fo found, they hoped to bring to a juft and merited punifhment.

Having very fully difcuffed thefe particulars, Mr. Fox proceeded to open the charge that he had been ordered to bring forward and explain to their Lordfhips, viz. the Benares charge.

He began by narrating briefly and perfpicuoufly the hiftory of the diftrict of Benares. It was granted, he obferved, by the Vizir Sujah Dowlah, in the year 1764, to Bullwant Sing, to be by him fully retained, and fubject only to a tribute of *twenty-two* lacks yearly. On the deceafe of Bullwant Sing, in the year 1770, the grant was renewed to his fon Cheyt Sing, the prefent Rajah, on the fame terms:—it was again confirmed to him, though for what reafon is not known, in the year 1773; and to this laft grant Mr. Haftings was a witnefs and guarantee on the part of the Eaft-India Company. In the year 1775, Afoph ul Dowlah, the fon and fucceffor of Sujah Dowlah, thought proper to make a demand on the Rajah of an ad-

* Giving way to the overbearing power of exultation, at once involuntary and reafonable, from the avowed pride of his prefent place and purpofes, Mr. Fox exclaimed, with becoming magnanimity—

"It is a pride, however, that is not perfonal! It is, thank God, moft nobly the reverfe "of all that is fordid, diminutive, equivocal, and bafe! It reaches, and it decorates, all "my friends—all with whom I act—the age, and nation!—Other Impeachments have "originated with the party then triumphant in the Houfe of Commons: it is the obvious "boaft of the prefent bufinefs, to have begun with thofe too truly not there predominant; "and I know not, on which fide admiration may moft fondly lean—whether, over thofe "whofe inventive ardour opened the career—or thofe whofe ingenuous candour fo well and "fairly aided it to this EDIFYING CONCLUSION!

"For furely it is grand and edifying indeed, to difplay the collective vigour of NATIONAL "HUMANITY, paramount over all!—to vaunt the dignifying, becaufe ufeful, inftance, of "two Political Parties uniting, unexpectedly, in the point of reciprocal difintereftednefs!—"finely foregoing every fair purpofe of allowable felf-gratification!—fheathing thofe arms they "both had wielded fo ably, to mutual annoyance; and attacking, with a different array "what they deemed, whether right or wrong was to be proved, the Common Enemy to "Truth and Feeling!

"At fuch an effort, in the admiring view of furrounding Nations, it were impious, if "poffible, to be calm!—Indifference were Infenfibility—that prophaned each facred influ-"ence in Heaven and Earth!—There was no collective virtue fuperior—in the hiftory of "England—in the Hiftory of Man! It fprang from MOTIVES, of all others the moft High "and pure—the GOOD OF OTHERS;—and it flowed to CONSEQUENCES, of all others, the "moft gratifying and enduring—the well-founded APPROBATION OF OURSELVES!"

vance

vance in the tribute of five lacks. This extortion was firmly refiſted by Mr. Briſtow, then Reſident at the Court of the Vizir, by deſire of Mr. Haſtings, as guarantee of the late treaty. The Rajah had at that time been received as the friend, and ſolicited as the ally, of the Eaſt-India Company; and on this interference, the Vizir Aſoph ul Dowlah thought it adviſable to recede from his claim. In the ſame year, 1775, the ſovereignty which the Vizir poſſeſſed over the Rajah and his territory, together with the annual tribute, was transferred to the Company. It would be abſurd to ſay, that when the ſovereignty was thus transferred, its rights were more enlarged than when they appertained to the original poſſeſſor. It would be ſtrange language to hold forth to the Rajah—"When you were tributary to the Vizir, the Company was your friend and guarantee, and your rights were therefore ſecure;—but in changing your maſters, you have loſt your defence;—by becoming tributary to the Company, you are left without a Protector—and your rights and your independence have no longer an exiſtence." The abſurdity and impropriety of this language was manifeſt; yet ſuch was the ſyſtem exemplified in the conduct of Mr. Haſtings.

With reſpect to the queſtion on which ſo much had been ſaid—Whether the Rajah was an independent Prince, or a mere Zemindar or dependant land-holder—Mr. Fox ſaid, he ſhould not trouble their Lordſhips with a ſyllable of argument. The former had been aſſerted on the one ſide, and as ſtrongly denied on the other. In his opinion, the conduct of Mr. Haſtings was equally unjuſt in both caſes: but the truth would ſhortly appear from the evidence at their bar. Mr. Haſtings himſelf had contributed in ſome degree to eſtabliſh the former idea, by moving in Council, which had been carried unanimouſly, that the Rajah ſhould be inveſted with a right of Coinage, and with the execution of criminal juſtice within his territory:—two ſymbols undoubtedly of ſovereign authority. The Rajah, it was underſtood alſo, by treaty, was to hold his rights and poſſeſſions—"whilſt he paid his tribute regularly—and paid a *due obedience* to the *ſovereignty*."—This latter part of the ſentence would require ſome explanation, as it had been made, however untenable, a ground of defence by the Governor-General. If the Rajah aſſiſted in the quarrels of the Company—if he did not moleſt their friends, and ſuſpended all intercourſe with their enemies—this would probably be deemed a due obedience; but it unfortunately did not approach to that paſſive ſubmiſſion which was required by Mr. Haſtings. Neither did the *European* ideas of ſovereignty accord with the definition contained in his *Indian* Dictionary.—By *ſovereignty*, ſays Mr. Haſtings in his defence delivered to the Commons—I mean *arbitrary power*! And leſt his meaning ſhould be miſunderſtood—leſt he ſhould be thought to have ſpoken of *abſolute* power, he adds, "What I mean by arbitrary power is that ſtate where the will of the ſovereign is *every thing*, and the rights of the ſubject—*nothing*!" "I do not in general (ſaid Mr. Fox) approve of either the logic or definitions of Mr. Haſtings; but he certainly has the credit of being the firſt perſon who has given a full and fair definition of ARBITRARY POWER.

But how then was the compact between the Rajah and the Company to be underſtood? Mr. Haſtings, it appeared, was to ſay to the Rajah, in virtue of his arbitrary power, "Pay me the tribute—obſerve your obedience—give me whatever ſum I ſhall aſk—I then aſſure you that I will not aſk for MORE!"—But where, in this caſe, was the compenſation, the QUID PRO QUO, which ſhould appear in every compact? The Rajah was to pay his tribute, he was to obey every injunction; and in return, if he dared to murmur, he was told by Mr. Haſtings—"My will, as a ſovereign, is EVERY THING; and your rights, as a ſubject, are NOTHING!"—This arbitrary power, however, did not appear to be in contemplation, when in granting the Rajah the privileges of coinage, and of executing criminal juſtice in his diſtrict, Mr. Haſtings thought it neceſſary to reſerve by an expreſs clauſe the right of fining the Rajah if the coin was found to be beneath a certain ſtandard!—Where arbitrary power was veſted, ſuch a reſervation was ſuperfluous: if the will of the ſovereign was every thing, why was the liberty of fining his vaſſal guarded by ſuch a clauſe? The exception undoubtedly tended to prove, that in general the right did NOT exiſt. Mr. Haſtings, however, had aſſumed a contrary inference in his defence: he alledged, that the exception being made in that inſtance, proved that the right exiſted in every other; and inverting the axiom *Exceptio probat regulam*, he contended, that becauſe an exception was made in a particular inſtance, the ſame exception ſhould be underſtood in all caſes whatſoever.

There was one circumſtance, Mr. Fox ſaid, in this part of the conduct of Mr. Haſtings, which, if their Lordſhips knew his character ſufficiently, would ſtrike them with the utmoſt aſtoniſhment. The late Treaty aſcertaining the rights of the Rajah of Benares had been made in the year 1775, and

and it was abſolutely three years before it was broken by Mr. Haſtings!!!—If ſuch another inſtance could be adduced from the whole hiſtory of the tranſactions of the Governor-General in India, Mr. Fox ſaid, he would even conſent to let him now eſcape from puniſhment. In July 1778, he at length made a demand on the Rajah of an additional ſum of five lacks of rupees, or 50,000l. The pretext for this was the report received of the war with France being about to commence. But even ſuppoſing this probable neceſſity to exiſt, it could not afford a juſtification of Mr. Haſtings, as the Treaſury, by his own account, had at that time an overplus of two crores of rupees, or upwards of two millions ſterling. Nor could the comparatively trifling ſum demanded from the Rajah be meant as the commencement of a general tax on all the dependencies of the Company; as by the confeſſion of Mr. Haſtings, there was no other Prince who ſtood in a ſimilar ſituation, or on whom ſuch a demand could be made. It had the appearance of harſhneſs, Mr. Fox obſerved, to aſſign motives for criminal actions, which were generally preſumed; yet he ſtood emboldened by a complication of proofs to aver, that this extortion had its real ſource in perſonal reſentment to the Rajah, for having ſent his *Vakeel* to congratulate Sir John Clavering, when it was rumoured that he was ſhortly to be raiſed to the rank of Governor-General. This circumſtance would appear natural and inoffenſive to any perſon who conſidered the humiliation to which the Princes of India are reduced; but in the mind of Mr. Haſtings was ſufficient to excite a rancour, which could not terminate but in the ruin of its object.

If their Lordſhips, Mr. Fox remarked, had merely a general and popular knowledge of this ſubject, on hearing that the unfortunate Rajah had been diveſted of all authority, and exiled from his dominions, they would undoubtedly ſuppoſe, that Cheyt Sing had refuſed to pay the fine, and had been thus puniſhed for his contumacy. But what in that caſe would have been their aſtoniſhment to learn, that he had not only paid it to the laſt ſhilling, but had advanced the ſame ſum on a ſimilar requiſition in 1779 and 1780, the two ſucceeding years. In each it had been demanded in July, and paid in the October following; and this delay was the ſole crime imputed to him by Mr. Haſtings, as far as reſpected this part of their tranſactions.—With reſpect to the Extortion, as a violation of compact, and an infraction of the rights of RAJAH, Mr. Haſtings placed his defence ſolely on two points—the concurrence of Mr. Francis—and the approbation of the Court of Directors. In the firſt of theſe arguments, if ſuch they could be called, there appeared a ſpecimen of that reſpect which even the moſt corrupt are compelled ultimately to pay to the energies of virtue; but it was in vain that Mr. Haſtings ſought to ſhelter himſelf under the concurrence of Mr. Francis, as it would appear in evidence, that the latter only gave his conſent to the application, as not knowing but the ſum required might come as a voluntary gift from the Rajah, but that at the ſame time, he had abſolutely proteſted againſt ſuch a requiſition as a right.—On the ſecond plea, the approval of the Directors, it would be idle to dwell at length. Their approbation had been ever certain, when their intereſts were in any degree promoted. From the general knowledge of this circumſtance had originated the bill for ſuſpending the powers of the Court of Directors, which he had once the honour of preſenting at their Lordſhips' bar; and another alſo which had met a more favourable reception, and was now a part of the law of the land.—But when it was wiſely provided that not even the Royal pardon could be pleadable in bar to an impeachment preferred by the Commons, it was abſurd to mention the implied approbation of a ſet of merchants as a plea againſt their Lordſhips' proceſs and deciſion.

The Council, he remarked, had, on a former occaſion, *recommended* to the Rajah of Benares, to keep up a force of 2000 cavalry for their mutual ſecurity, which were to be paid for at a ſettled rate, if taken into the ſervice of the Company. There was no *demand* made at that time; the term and language were ſuch as ſhould be uſed between equals. It was in every reſpect a *ſubſidiary* treaty; and his Majeſty could, with as much propriety, claim the ſovereignty of Heſſe Caſſel, as Mr. Haſtings found a claim of arbitrary power on that proceeding; and yet the Governor-General, finding all other efforts ineffectual to irritate the Rajah to diſobedience, and that, on the contrary, his ſubmiſſion kept pace with every inſult, he turned the recommendation into a demand, and required 2000 cavalry to be furniſhed at the expence of the Rajah, and not at the expence of the Company, as before propoſed. This requiſition, on the Rajah ſtating its impoſſibility, was moderated to 1000. Cheyt Sing ſtill declared that he had but 1300, five hundred of which he offered to furniſh, and to ſupply the deficiency with 500 matchlock-men, to be alſo at his expence.—At the ſame time, he attempted to conciliate the friendſhip and protection of Mr. Haſtings by a preſent of 20,000l. which the Governor received, as he afterwards ſuggeſted, for the uſe of the Company;

pany; as if ſuch a voluntary gift was to be expected from a man worn out with extortion, if it was not obviouſly meant as a bribe to purchaſe a reſcue from future oppreſſion.

Yet with all theſe conceſſions Mr. Haſtings declares, that his patience was exhauſted; and "I determined, ſaid he, to turn his crimes to the advantages of the Company, by impoſing a heavy fine on his diſobedience." —He accordingly makes money a part of criminal juriſprudence, and of criminal puniſhment. He departs from his character of Chief of the executive Government in India, and takes up that of a criminal Judge; he unites in him the three characters of Judge, of Accuſer, and of Witneſs; and in the delicacy of that novel ſituation he writes a letter to the Rajah, demanding peremptorily a fine of *fifty lacks*, or 500,000l. and proceeds himſelf to Benares, to enforce the requiſition! —If the Rajah had with-held the additional tribute required beyond the time it was due, the intereſt of the ſum for that time might have been impoſed as a mulct; if he withheld 500 cavalry, the difference of expence between them and matchlock-men, might have been exacted with ſome appearance of propriety. If his conduct had been diſobedient and contumacious, a pecuniary fine might have been impoſed with ſome plea of juſtice; but inſtead of the laſt mentioned conduct, his demeanor was as contrite and ſubmiſſive, as if he had been either guilty or dependent.—[The following letter of Cheyt Sing, which is marked by the ſtrongeſt *traits* of *fidelity* and *humiliation*, was read by Mr. Grey.]

'I Received your letter delivered to me 'by Mr. Markham, and I have underſtood 'every particular of its contents. Sir, after 'the arrival of Sheakh Ally Nucky, I ob'ſerved all the orders which you ſent me; 'and I received the letter which the deceaſed 'Sheakh brought me, informing me that 'every ſuſpicion was now completely re'moved from your mind, and that I muſt 'conſider you, as formerly, attentive to 'me. But I have not experienced from you 'the ſame generoſities as formerly. I ſent 'you repeatedly letters repreſenting to your 'conſideration my unhappy circumſtances; 'but you never honoured me with any 'reply. For this reaſon I ſent my Buxey 'Suddanund to your preſence, enjoining 'him to repreſent to you the firmneſs of 'my obedience and attachment; to lay be'fore you the particulars of my ſituation; 'and to learn the diſpoſition of your mind 'towards me. He arrived accordingly in 'your preſence, and repreſented every thing 'in a proper manner. I have never deviated 'in the ſmalleſt degree from theſe profeſſions; and the benefits and civilities with 'which you have honoured me have given 'me the greateſt ſatisfaction; and I have 'conſidered you as the ſource from which 'I derived the fulfilment of all my wiſhes 'and deſires. It is my firm hope, that I 'may be always favoured with your direc'tions. In this manner I complied, with 'the utmoſt readineſs, with the order you 'ſent me for the payment of five lacks of 'rupees on account of the expences of the 'war. I ſent firſt one lack of rupees with 'an anſwer to your letter. Afterwards, 'having paid to Mr. Fowke the ſum of one 'lack and ſeventy thouſand rupees, I ſent a 'letter requeſting a further allowance of 'time to enable me to make ſome prepara'tions. To this I received no reply, it 'being no time for delay. Notwithſtanding 'this, I was not a moment inattentive to 'this concern, and as ſoon as my Buxey ar'rived, I paid immediately the remaining 'part of the ſum. The remitting of this 'to the army did not depend on me: if any 'delay happened on this head, I could not 'help it. If beſides the payment of the 'money, the remittance of it alſo to the 'army had reſted with me, a delay of this 'kind ſhould not have happened. I have 'incloſed in this letter a paper ſpecifying 'the particular ſums which have been ad'vanced, with their dates.

'With reſpect to the horſe, you deſired 'me in your letter to inform you of what 'number I could afford to ſtation with you, 'and I ſent you a particular account of all 'that were in my ſervice, amounting to '1300 horſe, of which ſeveral were ſtation'ed at diſtant places; but I received no 'anſwer to this. Mr. Markham delivered 'me an order to prepare 1000 horſe. In 'compliance with your wiſhes I collected '500 horſe, and, as a ſubſtitute for the 'remainder, 500 Burkandazes, of which 'I ſent you information; and I told Mr. 'Markham they were ready to go to what'ever place they ſhould be ſent. No anſwer 'however came from you on this head, and 'I remained aſtoniſhed at the cauſe of it. 'Repeatedly I aſked Mr. Markham about 'an anſwer to my letter about the horſe, 'but he told me he did not know the rea'ſons of no anſwer having been ſent. I 'remained aſtoniſhed. With reſpect to the 'ſepoys, I received firſt an order to ſtation 'two of my companies, which I did. I 'was then deſired to give a Tunkaw for 'the payment of the ſepoys, and likewiſe 'to pay the Captain; which has been done 'every month.

'Excepting

'Excepting Abdullah Beg and his attend-
'ants, none of my people, either depend-
'ants or ſervants, or others in any ſhape
'connected with me, have ever gone to
'Calcutta. My enemies, with a view to
'my ruin, have made falſe repreſentations
'to you. Now that, happily for me, you
'have yourſelf arrived at this place, you
'will be able to aſcertain all the circum-
'ſtances relative to the horſe, to my people
'going to Calcutta, and the dates of the
'receipts of the particular ſums above-
'mentioned. You will then know whether
'I have amuſed you with a falſe repreſenta-
'tion, or made a juſt report to you. I
'have given my Aumils moſt particular in-
'junctions, and have taken a penalty-bond
'from them, that they ſhall keep no thieves
'in their diſtrict. What power have they
'to act otherwiſe? But if ever a murder
'or robbery is committed in the country, I
'have been careful to impale or otherwiſe
'puniſh the culprit. If a perſon having
'committed a delinquency ſhould eſcape to
'ſome other place, ſo as to elude all diſco-
'very, in that caſe I am helpleſs; but to
'the utmoſt of my power I endeavour to
'fulfil your orders. I have never ſwerved
'in the ſmalleſt degree from my duty to
'you. It remains with you to decide on
'all theſe matters. I am in every caſe your
'ſlave. What is juſt I have repreſented to
'you. May your proſperity increaſe.'

Even this letter, Mr. Fox obſerved, the Governor-General had pronounced to be extremely *offenſive*—but if it partook of that quality, it was only offenſive in humiliation—and offenſive in its deſpondence. Mr. Haſtings declared, that it ſhewed the growing ſpirit of Independence—that it was a recrimination rather than a defence—and that it breathed the language of *defiance*.—I know not, ſaid Mr. Fox, in what tones or language their defiance is announced in *India*; but if this be a defiance, I would merely in the ſpirit of literary curioſity wiſh to know, in what terms an *Indian* would declare his ſubmiſſion.

Mr. Haſtings, however, was determined to puniſh. He refuſed to ſee the unfortunate Rajah, and actually placed him under an arreſt. It was not wholly neceſſary to recur to Indian manners and cuſtoms, to explain the force of this inſult.—If we ſuppoſed an European Chief, without adverting particularly to his rank, who muſt be ſuppoſed of ſome conſequence, when he paid his Sovereign a tribute of 240,000l. per ann. committed to priſon, not only deſpoiled of his immediate power, but his Government entirely annihilated, ſome idea might be formed of the buſineſs of that day. The reſcue of the unfortunate Rajah, with the maſſacre both of Europeans and Gentoos which followed, were too well known to require a particular deſcription.

On the diſproportion of the ſuppoſed crime to the actual puniſhment, Mr. Fox dwelt with much diffuſeneſs, yet with infinite force. The fine of 500,000l. he ſaid, was ſo much beyond all bounds, that the *finger* of the *law*, on that occaſion, was heavier than the *loins* of a *King*; and that if ſuch was *Britiſh juſtice*, the miſerable Hindoo ſhould pray that it might be exchanged for *Tartarian barbarity*.—Mr. Haſtings had lately been compared to a conqueror, whoſe fame filled the univerſe:—a character ſo exalted as to diſpute PRECEDENCE with the *ſecond perſonage* in the kingdom* had aſſimilated Warren Haſtings to Alexander the Great. But if any reſemblance were found, it could not be to Alexander when his mercies and his victories kept an equal pace;—it could not be to the generous or forgiving conqueror;—the likeneſs muſt be meant to Alexander maddened after a debauch; to Alexander in petulant wantonneſs ſetting temples on fire—to Alexander when his follies and his crimes had excited horror and contempt ſufficient to obſcure the radiance of his former glories.—In the firſt points of the compariſon there was not a ſhade or reſemblance; in the latter part of the parallel there was all the juſtice that could be required.

In an apoſtrophe the moſt beautiful that can be imagined, Mr. Fox made the injured Cheyt Sing the utterer of his own complaint to the Houſe.—"I was, ſaid he, the Sove-
"reign of a fertile country, happy and be-
"loved; I endeavoured to conciliate the
"friendſhip of all around me, and as I
"thought with a ſucceſs which impreſſed
"me with every ſenſation of felicity.—This
"*was* the ſituation of which I boaſted; but
"what is now the reverſe?—I am a wretch-
"ed exile, dependent on the bounty of thoſe
"who were my enemies, but whoſe enmities
"are now buried in their ſympathy for my
"diſtreſſes. What have I done to deſerve
"this puniſhment?"—"You forget," replied an Engliſhman, "that though a Sove-
"reign Prince at Patna, at Benares you were
"but a Zemindar; in the latter character
"you were guilty of diſobedience, and are
"therefore ſentenced to a judicial exile."—
"Alas," rejoins the wanderer, "I was ig-
"norant of my crime. Why had I not an
"inſtructor to teach me the ſubtleties of

* Alluding, it is ſaid, to the Chancellor's having diſputed precedency in the daily proceſſion to this trial with the Prince of Wales.

"your

" your laws? Though to your power I was " but as an atom in the view of Omnipotence, " yet ſurely my intentions ſhould have been " regarded, and my ignorance not conſtrued " as guilt."—Mr. Fox then obſerved, that with reſpect to the maſſacre which enſued on the injudicious arreſt of Cheyt Sing, Mr. Haſtings had been ſolely culpable.—If he went to inſiſt on his demand with the Rajah, knowing that he was *not* aiming at Independence, then was he anſwerable for his injuſtice, and for all its conſequences. If, to adopt his own defence, he apprehended that there was any ſuch intention, then was he guilty of the higheſt and moſt culpable imprudence in being ſo ſlightly attended. In either way, a criminality muſt attach itſelf, without the ſmalleſt poſſibility of a vindication.

The principal points, however, on which Mr. Fox dwelt as highly criminal, were the demand of the additional five lacks beyond the ſtated tribute, and the enormous penalty of 500,000l. which was demanded, though not received; and to theſe points, he ſaid, the evidence ſhould principally be directed. He concluded by enforcing very ſtrongly the neceſſity of puniſhing the late Governor-General. By impoſing a diſproportionate puniſhment, Mr. Haſtings had placed venial error on a footing with abſolute guilt. Their Lordſhips ſhould take care to avoid the oppoſite extreme, and to affix a puniſhment to the crimes of Mr. Haſtings, equal, if poſſible, to their enormity. They muſt now become, he ſaid, either the avengers, or the accomplices of his crimes. They could not now plead ignorance of the facts which had been ſo plainly ſtated, and which ſhould be ſo fully proved. The affairs of India had long been hid in a darkneſs hoſtile to enquiry, as it was friendly to guilt;—but by the exertions of ONE MAN, theſe clouds had been diſſipated. The ardent virtue, the ſublime genius, and that glowing enthuſiaſm ſo eſſential to the operations of both, had, with the application of years, left them nothing of information at preſent to deſire. The eyes of Europe, he reminded their Lordſhips, was now fixed on their proceedings, and they were looked to for the ruin, or the reſtoration of the Britiſh name. Diſgrace attached itſelf to nations as to individuals. There was a time when the name of a Spaniard was infamous on account of the cruelties practiſed in their foreign colonies, and not avenged at home; ſo had WE not eſcaped our ſhare of diſgrace; and it reſted with the preſent deciſion, whether the name of BRITON, proud and glorious as it has been, ſhould be doomed to honour or to ſcorn.—There was alſo another circumſtance to be conſidered, which was, that when the Spaniſh infamy was recorded, it was ſaid, that the GOLD and JEWELS brought from their ſettlements in South America had been the inſtruments of mediation for the offenders. Such an imputation might reſt on their Lordſhips, and ſuch a ſtain was not eaſily eraſed. To obviate the inſinuation, it was only neceſſary to recur to their own feelings and their own convictions. The Britiſh honour, he would repeat, was in their hands. The Commons had done their duty in bringing to their Bar the perſon accuſed, and they were now to decide, whether by his acquittal or puniſhment, the infamy ſhould reſt with the Nation or the Individual.

Mr. Fox concluded * at a quarter paſt five o'clock, and the Court immediately adjourned †.

EIGHTH DAY.

MONDAY, FEBRUARY 25.

The Hall was this day not ſo crowded as on former days, as little was expected beſide

* For individual paſſages, ſeparable from their novelty, or their original importance, in idea or diction, Mr. Burke is the mighty maſter. This ſpeech of Mr. Fox was not ſo diſtinguiſhed. It abounded, however, in diſtinctions of its own kind, of which the beſt was vehemence; the worſt, unneceſſary repetition of preliminary words. The SARCASTIC REFERENCE to opinions in another place, was very artfully conveyed. His diſtinctions between the Advocate's duty, and his duty as a Delegate from the Commons, was admirably exact. He ſaid,

" The Advocate may urge whatever may ſerve his cauſe, and INFLUENCE JUDGMENT. " The Delegate's allowances are limited;—he ſhould ſuggeſt nothing but what he thinks is " admiſſible when judgment is pronounced."

The ſhort mention of Mr. Burke found ready reception with all who heard it:—" If we " are no longer in ſhameful ignorance of India; if India no longer makes us bluſh in the " eyes of Europe; let us know and feel our OBLIGATIONS TO HIM—whoſe admirable " reſources of opinion and affection—whoſe untiring toil, ſublime genius, and high- " aſpiring honour, raiſed him up conſpicuous among the moſt beneficent Worthies of " Mankind."

† The Commons preſent this day were above 300. The reſt of the auditory were very numerous.

the production of evidence; and diſcuſſions not fraught with much entertainment, reſpecting what was admiſſible, and the contrary. It was twelve o'clock before the Peers were ſeated, and proclamation made in the uſual form.

Mr. Grey then roſe, and in a ſpeech of much ability reſumed and enforced the remaining part of the firſt charge againſt Mr. Haſtings, commencing where Mr. Fox had concluded on Friday laſt.—He adverted in the firſt inſtance to the rights of which the Rajah ſtood poſſeſſed when he became the object of the Chief Governor's indignation. It mattered little, he obſerved, whether Cheyt Sing at that time was merely a Zemindar, or the tributary, but independent, Sovereign of his Diſtrict. In the year 1773, when Aſoph ul Dowlah had made the arbitrary demand of ten lacks, Mr. Haſtings in his letter to Mr. Briſtow, the then Reſident at Lucknow, had inſtructed him to declare, that Cheyt Sing was MORE than a mere Zemindar—that he was the Ally of the Company, and ſhould be protected in his rights! But when the ſovereignty over the Rajah was transferred, and when he became the vaſſal of the Company, veſted of courſe with all thoſe rights; when he had alſo been indulged with the ſymbols of Royalty in privilege of the Mint, and of the adminiſtration of criminal juſtice; then Mr. Haſtings ſcorned to look to thoſe rules which he had compelled the Vizier to obſerve. The rights of the Rajah were trampled upon, and his privileges degraded. The Company had wiſhed to conciliate the attachment of a Sovereign over near TWO MILLIONS of people, and to convert him into a powerful barrier between them and their enemies on that quarter. But what the unexampled knity of the Company muſt have effected, was totally deſtroyed by treachery as unexampled; and the arts of conciliation which policy and humanity would have juſtified, were neglected for the purſuits of Avarice which deſtroyed its own purpoſes, and in the proſecution of a Reſentment as abſolute as it was unfounded.

His extortion from the Rajah, Mr. Haſtings now attempted, when other efforts failed, to juſtify on the principles of the FEUDAL eſtabliſhment. It was certain, that by the feudal laws, the vaſſal was compelled to attend in the wars of his Lord, and to contribute to certain of his neceſſities. But then the length of his attendance and the *quantum* of his contribution were all ſtrictly and preciſely defined. There was not in the feudal, nor in any other law that could be quoted, a ſingle principle to juſtify a tyrannic licence of exaction, or the vindictive ſelection of an individual, whoſe only guilt might be, that his riches had raiſed the avarice, or his power excited the envy, of his Lord, and brought down on him an arbitrary puniſhment.

This extortion had again been attempted to be juſtified by the imputation of certain crimes ſaid to have been committed. Of the firſt was—a delay of his remittance of the five lacks required in addition to the ſtated tribute. On this head, Mr. Grey obſerved, enough had been ſaid by the Right Hon. Gentleman (Mr. Fox) who had preceded him in the preſent charge; to that, therefore, he ſhould only add, that the Rajah himſelf had urged, what was not denied, that the failure in the remiſſion was in ſome degree owing to the Engliſh Reſident.—The next charge againſt the unfortunate Rajah was—the diſorders which he had ſuffered to overrun his territory. But the wiſeſt Police, it will be confeſſed, with the ſtricteſt adminiſtration of juſtice, cannot poſſibly prevent the offences of individuals: but ſurely that country could not be looked upon as diſorderly or unſafe, when it was a fact aſſerted and not denied, that thoſe who had acquired fortunes in the more turbulent parts of India, made it a practice to retire to Benares, there to indulge themſelves in acknowledged ſecurity.—With reſpect to TWO other charges imputed to the Rajah,—his withholding the cavalry, and his inclinations to rebel;—the firſt, if true, was puniſhed without enquiry; and the ſecond was fully refuted, by the ſmall number of attendants taken by Mr. Haſtings when he went to puniſh his delinquency.—[On theſe topics Mr. Grey dilated with infinite force of reaſoning; but as the ground has been in a great degree pre-occupied by thoſe that have preceded the Hon. Gentleman, we forbear to follow him. He was alſo, at times, exceedingly ſevere upon Mr. Haſtings; but though ſuch ſtrength of expreſſion is undoubtedly juſtifiable in an Advocate ſpeaking from his conviction, our ſenſe of propriety forbids us to follow the Hon. Gentleman by a literal report.]

There was alſo, he obſerved, another ſpecies of guilt imputed to the Rajah, which was the ſuppoſed concealment of vaſt treaſures. This was indeed a GRIEVOUS FAULT, and grievouſly had the Rajah been made to anſwer it. This laſt was the cauſe, however, of Mr. Haſtings' journey to Benares, which had been productive of ſuch extraordinary events.—He then took up Mr. Haſtings' narrative of his journey, "given with a ſolemnity equal to an oath," which he compared with his defences, and pointed out a variety of ſtrong contradictions. In the one, Mr. Haſtings declared, that, previous to his departure, he had communicated his plan of operations to Mr. Anderſon and Major Palmer;

ner; in the other, he averred that he acted from the exigency of the moment.—After pointing out a variety of ſimilar inſtances, he obſerved that the maxim was not leſs old than true—QUOS DEUS VULT PERDERE PRIUS DEMENTAT.—The ſanity of the intellect was diſordered by the vice of the purſuit.—It would have been impoſſible to follow Mr. Haſtings through all his windings, if he had not himſelf afforded a clue to his tranſactions. In the midſt of his contradictions, he frequently threw a light on the circumſtances, which no degree of enquiry could produce.

Mr. Grey then proceeded to ſtate the arreſt of the Rajah, with all its circumſtantial ignominy. There was a point, he obſerved, in human nature, beyond which outrage could not be ſuffered, nor indignity be borne. Yet all this diſgrace in the eyes of his people, produced in the Rajah but a repetition of remonſtrances, and an added degree of humiliation. He read the very affecting letter from Cheyt Sing, which concludes—"Whatever may be your pleaſure, do it "with your own hands.—I am your ſlave.—"What occaſion can there be for a guard?"—Having mentioned the inefficacy of theſe applications, he then related the circumſtances of the reſcue of the Rajah, by the tumultuous force which had croſſed the river from Ramnagur, and the ſlaughter of the Britiſh guard, when their countrymen could only arrive in time to witneſs their expiring friends. For that carnage, he ſaid, and for all the horrid buſineſs which ſucceeded, Mr. Haſtings muſt undoubtedly be anſwerable. He who SOWED the SEED, muſt neceſſarily be looked to as the AUTHOR of the HARVEST. It was the natural effect of oppreſſion to beget reſiſtance; and if the conſequences be fatal, the oppreſſor is undoubtedly guilty.—In relating the eſcape and ſubſequent calamities of the Rajah, he remarked with great force, how fatally the transfer of the ſovereignty to the Company had operated againſt his intereſts. He had paſſed from the ſovereignty of uninformed Barbariſm to that of enlightened Religion;—he had exchanged the arbitrary code, as it was deemed, of Timur, for the mild ſway of Britiſh juſtice. But what was the conſequence? Under the former he had found PROTECTION—under the latter his portion was MISERY!

The next point of criminality which Mr. Grey alledged againſt Mr. Haſtings, was the aſſault by Major Popham on the fortreſs of Bedjeygur, where the wife and mother of the Rajah reſided, and the incitements which he had on that occaſion held forth to the ſoldiery to plunder and rapine. In proof of this charge he quoted the very words of the Governor-General to Major Popham:—"If the reports brought to me are true, your "rejecting her offers for any negociations "with her would ſoon obtain you poſſeſſion "of the fort on your own terms, I appre-"hend ſhe will contrive to defraud the cap-"tors of a conſiderable part of the booty, "by being ſuffered to retire without exami-"nation. "I ſhould be very ſorry that your "officers and ſoldiers loſt any part of the "reward to which they are ſo well entitled."

This letter had been defended by Mr. Haſtings, merely on a cavilling diſtinction between a public order and a confidential letter. But that the letter was not CONFIDENTIAL, was ſufficiently proved, as the next day there was not an officer or private in the detachment who was unacquainted with its contents; and even if that were not the caſe, there was no military man who would not look on ſuch a letter as a compleat juſtification of whatever he ſhould do in obedience to its intimation. Accordingly, the hint was not loſt. The fortreſs was ſurrendered—its unfortunate inhabitants plundered of every thing, in violation of a ſolemn compact:—yet the ſoldier had an excuſe to plead.—The orders of the Governor-General were not more cruel and barbarous, than they were peremptory and ſpecific. Theſe females of dignified rank were, therefore, ſtripped of every reſource in their want, and of every ſolace to their eye!—Thoſe who had compared Mr. Haſtings to Alexander the Great, would here find their parallel was greatly deficient. Alexander had ſo comported himſelf to the wife and mother of Darius, that they ſcarcely felt their loſs;—Mr. Haſtings, on the contrary, had ſo demeaned himſelf to the wife and mother of Cheyt Sing, that the unfortunate Rajah felt their ſufferings as the keeneſt aggravation of his own.

It was not a little remarkable, Mr. Grey obſerved, that the oſtenſible purpoſe of Mr. Haſtings, in his journey to Benares, was to recruit the Company's Treaſury; but no ſooner did the occaſion offer for that purpoſe in the ſeizure of the fortreſs of Bedjeygur, than the plunder of 250,cool. was conſigned to the troops. It was true, indeed, that on the repreſentation of the Council, he had attempted to reſume it by way of loan. They knew him too well, and this ſtratagem failed of courſe. He had then endeavoured to draw reſources from a country already exhauſted, when he appointed the minor Metriparain to the empty title of Rajah, fixed the ſum of 40 lacks as the annual tribute, and named Ouſſain Sing as the collector of the taxes, under the controul of Mr. Markham. The country was depopulated, and no force could make it productive. It was

in vain that Ouffain Sing was impriſoned at the end of the year on account of the deficiencies, and confined until death put an end to his miſery. His ſucceſſor could do no more: and at the end of three years, when Mr. Haſtings repeated his viſit, deſolated towns and ruined villages convinced him of the truth of their reports. No contraſt, Mr. Grey obſerved, could be more ſtrong than that of the deſcription given by Cheyt Sing of the territory of Benares whilſt under his government, compared with its ſituation when under the Eaſt-India Company. "My fields," ſays the Rajah, "are "cultivated, my towns and villages full of "inhabitants, my country is a garden, and "my RYOTS (huſbandmen) are happy. The "principal merchants of India, from the "ſecurity of my government, reſort to my "capital, and make it their reſidence. It "is the Bank of India, and contains the "treaſures of the Mahrattas, the Jaiks, the "Saiks, the native and European nations. "The traveller and the ſtranger, from one "end of my country to the other, lay down "their burdens, and ſleep in ſecurity."—When Mr. Haſtings, on the contrary, went through thoſe diſtricts, Famine and Miſery ſtalk'd hand in hand through uncultivated fields and deſerted villages. There were found only the aged and infirm, who were unable to fly; robbers, prepared to kill; and tygers, whoſe ferocity marked the deſolation of the ſcene.—Such was the contraſt between the dominion of the INSOLENT Rajah, and of the unaſſuming and judicious Mr. Haſtings.

Having dwelt at conſiderable length on this ſubject, he ſummed up the whole of this charge with a degree of force which could only be equalled by the modeſty of his concluſion.

"I hope not much longer to be troubleſome. I beg indulgence but for few words more.

"If, my Lords, in going over my appointed ground, I have ever been hurried too faſt, or carried too far;—if my imagination has, againſt my wiſh, ſeemed at times over-heated as it went, and the VERBUM ARDENS ſtrayed away from the proper aim—let my heart be underſtood to be involuntary—let my excitements be acknowledged pure. I hope I may with full credit DISAVOW MALICE. I PANT FOR TRUTH. But I cannot, here, look for it without emotion!

"Who can, who ſhould be unmoved, when he becomes the ſpectator of enormities!—when he is delegated to a ſacred ſervice for the detection of guilt!—when he thinks he can trace criminality to its PROOFS, as certainly as he has ſympathy for its CONSEQUENCES!

"Think, my Lords, if you can, without rational anger, of outrage—exaction—deveſtation—and death!—the plunder of provinces!—the diſtreſs of nations!—all nature blaſted by the withering malignity of man!—the helpleſs and the unoffending—what is uſeful, and what is honourable—the peaſant, and the prince—all prematurely ſwept together to the grave!

"His deeds—whoever ſins up to deeds like theſe—his deeds be on his head!—He, by whom the SEEDS OF RUIN are ſcattered—his is the HARVEST OF INIQUITY—the PENAL RESPONSIBILITY, at each exact tribunal, here and hereafter!

"Thus, my Lords, you cannot help forgiving the ſtrong emotions, which your own honour and humanity muſt feel.

"But there is more to be forgiven—I have much poſitive imperfection—I have more comparative deficience to deplore.—I have, alas! taken a taſk that is above my ſtrength—and have been forced to follow, MULTA GEMENS LONGO INTERVALLO, after abilities ſuch as no ſtrength, I know, CAN KEEP UP WITH!

"However, thank God, I have tried to DO MY DUTY; and the beſt of men can do no more! If I fall, perhaps, on an eſtimate of TALENTS—I hope to riſe, without preſumption, on the claims of FAIR INTENTION!

"And, after all, it is not GENIUS—it is not ORATORY—it is not the charm of unexpected throws of language, nor the rapt gaze after new ſublimity in ideas—No, my Lords, it is NATURE!—it is TRUTH!—it is from duties well done—from privileges well aſſerted—from the ſteady maintenance of every thing right, and from the ſtrong impeachment of all who are wrong, that we can ſatisfy the claims of exiſtence and reſponſibility!—decorate ourſelves with the only ennobling quality, worth—and tranſmit the remembrance of OURSELVES, and the very name of OUR COUNTRY, with common honour to our children *."

As ſoon as Mr. Grey had concluded, the Committee of Managers began to adduce their chain of evidence on this important charge.

Mr. Anſtruther opened the evidence, and called

Mr. Morton, Secretary to the Eaſt-India Company, to prove the terms of the Charter

* Mr. Grey was nearly two hours in delivering his ſpeech; his manner was ſuited to the occaſion; he was fervid, graceful, and impreſſive. He was well collected, without arrogance;

granted to the Company in 1696. In this Charter all rights belonging to the Royalty are expreſsly reſerved.

Mr. Hudſon was next called to prove the appointment of Mr. Haſtings to be Governor-General.

Mr. Benſon was afterwards called to prove the Act of Parliament of 1774, and likewiſe the Anſwer of Mr. Haſtings to the Articles of Impeachment in the Commons.—The anſwer to the charge reſpecting Benares occupied upwards of an hour; and after the reading was finiſhed,

Mr. Law, on the part of the priſoner, made two objections to the evidence. The firſt was, to copies of diſpatches being read, unleſs the originals were proved to have been received; and the other, to the Journals of the Houſe of Commons being read in evidence—both which were over-ruled by the Lord Chancellor.

Mr. Anſtruther informed their Lordſhips, that he ſhould not trouble them any longer this day, but he intended to bring further evidence next day.

Ninth Day,

Tuesday, February 26.

Mr. Anſtruther went on with the evidence on the Benares Charge. There was no perſonal witneſs called to give oral teſtimony. Office documents were adduced on the ſubject of Mr. Haſtings's Commiſſion, and the ſimilar authorities of his predeceſſors, Mr. Verelſt and Lord Clive.—Mr. Cartier had, it ſeems, no Commiſſion in his appointment at Bengal.

There were alſo read—the Conſtitution of a Zemindar—the Conſtitution of Cheyt Sing *—and various Extracts from Secret Letters to the Eaſt-India Directors—Minutes of Council at Calcutta—Communications, Converſations, &c. &c.

In the courſe of theſe, ſome few words paſſed between Mr. Law and Mr. Fox. The former having read, contrary to the wiſhes of the latter, not an Extract from an Inſtrument, but the Inſtrument at large, Mr. Fox "imputed this—wherefore, was not viſi-" ble—to delay; and urged in future inſtances " of ſimilar exactneſs, that the Counſel ſhould " alledge the ſpecific object of each evidence " thus additionally adduced;—an allegation " which will prevent trifling, by the ſhame of " voluntary falſehood!"

To this ſhort ſpeech, Mr. Law aſſerted in few words, what few ſeemed willing to deny, the exiſtence of his right, and the propriety of his exerting it.

After ſome converſation between thoſe Gentlemen and the Lord Chancellor, it was agreed that no paper ſhould be read at length, unleſs a ſufficient reaſon was aſſigned.

At half paſt four o'clock, the appointment of the Benares Reſident being the object, an altercation aroſe about a letter written by Mr. Haſtings, which the Managers were for reading, and the Defendant againſt.

The date of this letter was 1779—Mr. Markham's appointment to the Reſidency was 1781. The Chancellor ſeemed to doubt the relevancy of the letter. Meſſ. Fox, Anſtruther, and Adam, ſupported it. Mr. Taylor alſo was going to ſpeak—when, on a motion from Lord Camden, the Lords adjourned—and, contrary to the expectation of many people who waited their return, the Court concluded there †.

On their Lordſhips' return to the Houſe to decide upon Mr. Law's objection, the Lord Chancellor, Earl Stanhope, the Duke of Norfolk, and Lord Hawkſbury, ſeverally delivered their ſentiments, when it was agreed without a diviſion, "That the evidence of-" fered by the Committee was admiſſible " evidence, and ought to be received."

Ordered a meſſage to the Commons, that the Lords will proceed further upon the trial of Warren Haſtings, Eſq. on Thurſday next.

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gance; free in his expreſſion, without any rattle of volubility; firm in his ſentiments, with ſcarcely any diſguſting obduracy to the Defendant.

Mr. Grey ſpoke like a man in earneſt. He did not philoſophize, agitate, and edify, ſo powerfully as Mr. Burke; but he ſhewed ſome reading, and ſome abſtract reflection. He not only declaimed, but his ſpeech had, what is leſs attainable by ſo young a man, much good arrangement and lucid order.

* When a letter to Cheyt Sing was reading by the Clerk, Lord Stormont, with much ſagacity, enquired, "if there was any title in the Addreſs, or any Addreſs at the concluſion " of the page?" The anſwer ſtated—"there was none."

The Archbiſhop of York, on the word "independence" occurring in one of the documents relative to the Zemindar, aſked the import of the word, and "whether it referred to " the India Company, or to Local Sovereignty?" The Chancellor bore teſtimony to the propriety and importance of the queſtion; but ſaid, the conſideration at preſent was informal.

† But very few of the Commons, not above 20 or 30, were preſent through the day.—There was at firſt rather a full auditory; but they ſoon quitted the Hall.

TENTH DAY.

THURSDAY, FEBRUARY 28.

The Court met at twelve o'clock, when the Lord Chancellor informed the Managers of the reſolution of the Houſe reſpecting the letter to be admitted in evidence.

The Clerks alſo paſſed through a various maſs of other written evidence—from the Conſultations of the Calcutta Council—their Letters to and from the Company, public and ſecret—ſome of which, had the meaning been to have kept it ſecret ſtill, could not have been better read.

Two of the Clerks from the India Houſe were at the Bar with their Office Books—and both, but particularly the Accountant, gave a ſhort teſtimony, in a mode that was very ſenſible and well collected.

The evidence adduced, chiefly went to the Benares Reſidency, and the circumſtances in the appointments of Mr. Fowke and Mr. Markham—the Stipends—the Cavalry—and the Subſidy in lieu.

The eloquent and convincing Account of the Expedition to Benares, ſtated to be written by Mr. Haſtings, was the laſt paper before the Court. Much of it was read, till the Clerk could ſee to read no longer;—at near half after five o'clock, therefore, the Court adjourned *.

Beſides what has been mentioned, there was little ſaid or done. Lord Stanhope ſpoke a few words, and Lord Stormont, both very much in point.

ELEVENTH DAY.

FRIDAY, FEBRUARY 29.

The buſineſs on this day commenced rather ſooner than uſual. At eleven o'clock the Peers were ſeated, and the Court had paſſed through the general forms.

The reading of the neceſſary documents was then reſumed; the letters of Mr. Haſtings, and the Rajah Cheyt Sing—the Minutes of the Secret Council—the correſpondence of the Court of Directors, and variety of other papers were read which made matter of evidence on the preſent charge. On producing Mr. Haſtings' Narrative of the Expedition to Benares, Mr. Adam ſubmitted a propoſition to the Court—that as they had determined that the buſineſs of each day ſhould be printed for the uſe of their Lordſhips, it would tend much to expedition, without ſubtracting from the juſtice of their proceedings, if the neceſſary extracts from the Narrative were only marked for the purpoſe of being printed, without being read at length in the preſent inſtance.

To this propoſal no objection was made until Mr. Adam had nearly gone through the whole ſtatement of the extracts which were intended to be printed.

Earl Stanhope then roſe ſuddenly and ſaid, that in making the motion in their Lordſhips Chamber of Parliament, for the printing of the papers of each day, it was not his intention that any ſhould be printed but ſuch as had been previouſly read. In his opinion, the ends of ſubſtantial juſtice would not be anſwered by paſſing over the papers in the manner now propoſed.

This objection brought on a variety of obſervations from the Lord Chancellor, Earls Camden, Fitzwilliam, and ſeveral other Peers; but Lord Stanhope adhering to his original opinion, it was agreed, that to avoid the inconvenience of a temporary adjournment, the extracts ſhould be read at length according to his deſire †.

When theſe were concluded, a variety of accounts were produced, tending to ſhew the ſtate of the eſtabliſhment in Benares, after the expulſion of Cheyt Sing, and of the extravagance of the annual tribute demanded by Mr. Haſtings of FORTY-NINE lacks, when the country, in its moſt proſperous ſtate, had never produced more than FORTY-FOUR, and

* The Hall this day had not much reſort—there being but very few Members of the Houſe of Commons preſent—never more than twenty, and latterly but three—and of Peereſſes, from ſeven, till they dropped to three alſo.

† The Papers read were different Minutes of Proceedings with Cheyt Sing—of the country laid waſte—the Bengal diſpatches—and then the appointment of Mr. William Markham to the Reſidency of Benares.

On this ſubject, the reaſons of Mr. Haſtings for this appointment were read. If the grounds of the appointment were creditable to Mr. Markham, the reaſons given by Mr. Haſtings were ſtill more ſo, to his own underſtanding, and were enforced with all the ſtrength of fine writing.

Mr. Fowke was removed—but the honourable manner in which that removal was expreſſed by Mr. Haſtings, was more flattering than the office itſelf. His ſalary too was continued for three months—amounting to 3000 rupees.

The concluſion of the written evidence conſiſted of the detail of the prize money—letter from Colonel Champion—and a picture, before given from Mr. Haſtings, of the devaſtation of the country of Benares.

theſe

theſe only under the preſſure of ſevere exaction.

The written evidence being concluded, the Managers proceeded to enforce it in particular parts by oral teſtimony.

Mr. Adam connected and explained the above evidence.

At half paſt three, the firſt evidence called was

J. STABLES, Eſq.

Examined by Mr. ADAM.

This gentleman was ſecond in Council.—Being ſworn, he ſtated that he went to India in 1759, and that in 1764 he was an officer in the army ſent to Benares; that he had frequent opportunities of ſeeing Bulwant Sing; that he looked upon him as a very conſiderable perſon, and that in the end of the year 1763, or beginning of 1764, a negociation was ſet on foot to detach him from the Vizier, to whom he was tributary, and to engage him in the Engliſh intereſt. That the country of Benares was full of people, and in high cultivation; that Bulwant Sing was treated by his ſubjects with marks of affection very different from the attention ſhewn to a mere Aumeel or Collector; that Benares was the reſidence of a wealthy community of the religious order; and that the army in which he ſerved were not permitted to enter the place.

He was croſs-examined by Mr. Plummer.

The next witneſs called by the Managers was

FOX CALCRAFT, Eſq.

Examined by Mr. GREY.

Mr. Calcraft ſtated that he was Aid du Camp to Major Popham, in the detachment that took the Fort of Bedjeygur;—that the treaſures found in the Fort were divided as plunder among the army, which he underſtood to be done under the authority of a letter from Mr. Haſtings; that the plunder was divided the day after the ſeizure, and amounted to 25 lacks of rupees; that each ſepoy had 100 rupees; that he was diſpatched with the intelligence to Mr. Haſtings, then at Chunar, 40 or 50 miles diſtant, who expreſſed vehement diſſatisfaction at the diviſion of the plunder among the ſoldiery at a time when the Company wanted the money; that he repreſented to Mr. Haſtings the letter he had written to Major Popham, as giving an authority to the diviſion.—This Mr. Haſtings denied, ſaid the letter was private, and gave no authority; that in all the proceedings of the war every officer had ſubmitted to his advice, and that it was wrong to proceed to the diviſion, which he called a ſcramble on account of its precipitancy, without his concurrence, he being ſo near. That in anſwer to this, he ſaid to Mr. Haſtings, that the letter could not be a private one, as it contained public matter; and that the cauſe of the precipitancy was, that in the caſe of the Rohillas the troops had never received their booty. Mr. Haſtings aſked if it would be poſſible to make the officers refund, and that if they would do ſo he would uſe his influence with the Board to procure for them the money afterwards. This he told him he thought impoſſible, as it was already too generally diffuſed. He ſaid he brought a ſword as a preſent from the officers to Mr. Haſtings, and ſome ornamental plate to Mrs. Haſtings, but he knew not whether they ultimately remained with them, as he delivered them to Mr. Markham; he believed they never did receive them, but he never heard what became of them.

The above gentleman, extraordinary as it may ſeem, was brought by the Proſecutors. His ideas and account of the general antipathy to REFUNDING, occaſioned much entertainment. The Chancellor could not help ſmiling.

Mr. Calcraft was croſs-examined by Mr. Dallas.

The third witneſs called was

Mr. BENN.

Examined by Mr. ANSTRUTHER.

He depoſed, that Durbijah Sing was confined in a houſe belonging to the Rajah of Benares; that he had a garden of ſix acres to walk in; that all the guards were on the outſide, and walked around it. That DISEASE—but which he did not further explain—was the cauſe of his death; that it was not occaſioned by any cruelty. That he could not recollect that the New Miniſter, Jagger Deo Seo, or any perſon for him, had ever complained to the Britiſh officers that the revenue was inſufficient to the demands; and that in particular, he could not procure the ſix lacks deſtined for the maintenance of the Rajah. That the arrears of his collection of the revenues were ſubmitted to arbitration. That that arbitrator was Ali Ebram Cawn, againſt whom no word of [illegible] had ever been uttered by any one [illegible] lack, 50,000 rupees, were [illegible] due from Durbijah Sing. That [illegible], 84, 85, and 86, the coun[illegible] was in high cultivation, and w[illegible]

As this gentleman was [illegible] in his evidence, which did not [illegible] by the Managers, a queſtion was [illegible] tending to convey, that he gave another account before the Houſe of Commons.

Mr. Law took an objection to this queſtion, as being contrary to the practice of the Courts for proſecutors to arraign the credibility of the witneſſes they had themſelves called; nor was it proper that they ſhould ſo

into a new enquiry after the croſs-examination was concluded.

Mr. Fox ſaid the learned gentleman was miſtaken as to the practice of that High Court. In the caſe of Lord Lovat, where a witneſs was apparently unwilling to anſwer a queſtion to the extent which the Managers knew he could anſwer it, they claimed the right, and they were permitted to refreſh his memory by aſking him what he ſaid before.

Mr. Adam contended that the practice of the Courts below was invariably to allow of leading queſtions in the caſe of unwilling witneſſes, which it was the misfortune of this proſecution to have; for the witneſſes whom they had to adduce in the courſe of the trial ſtood in ſuch a relation to the priſoner, as would make it extremely difficult for the Counſel to come at the truth, if the Managers were deprived of the means of extracting it, which was invariably purſued in the Courts.

The queſtion being put by the Court, and anſwered in the affirmative, Mr. Anſtruther read from the minutes a queſtion and anſwer, purporting that heavy complaints were made by the Miniſter, that the revenues were not ſufficiently abundant—and he deſired to know whether this queſtion was not put, and this anſwer given.

Mr. Law renewed his objection, and a pretty long debate took place, which occupied the remainder of the day, and prevented the Court from concluding on this charge.

Mr. Law ſaid, it was contrary to all precedent in every Court of Judicature for proſecutors firſt to examine their witneſſes, to ſuffer them to be croſs-examined, and then finding the evidence not exactly what they expected, or what they wiſhed it to be—to make an attempt to blaſt the character of their own witneſſes, and to take from them all credibility. This was a thing unheard of in judicature, and he truſted that their Lordſhips would not allow of a practice ſo new and prepoſterous. He ſtated the matter in various ways, and argued that it was fundamentally improper.

Mr. Plummer roſe to anſwer Mr. Adam—which he did in very ſtrong and powerful terms. He requeſted "the Court to advert to the novelty of this attempt—an attempt, he believed, before *untried* in any Court of Judicature whatever. A party call their own witneſs—they examine him in their own way—he is then croſs-examined by the other party; and when the Proſecutors find that he does not turn out the evidence they wiſh—they endeavour to deſtroy the teſtimony they have themſelves brought, and impeach his credibility. The precedent was indeed new! but whither would it lead? Every gentleman brought upon this, or after this, upon any other cauſe, would find his character taken away, his veracity called in queſtion, and his oath diſputed, becauſe he did not anſwer the expectation of thoſe who brought him. He believed more honourable witneſſes, or names more reſpectable, were not likely to be called on any future trial: and he truſted their Lordſhips would not be told by the Managers, however high they might hold themſelves, *that* "*you ſhall* MAKE A RULE *for* US. Ours is a peculiar caſe—we are to force out truth, and by violence muſt we come at it. But, my Lords, concluded Mr. Plummer—if to do *a little right, you are to do a great wrong*—conſider what a precedent you eſtabliſh; what high roads you lay open to error. If you determine this attempt in the Managers to be law, you argue againſt all other caſes that we know of; and if you make a *new Rule*, as they would have you—future Courts in their turn, will leave or adopt it at their pleaſure."

Mr. Fox ſaid, the two learned Gentlemen had ſpoken very ingeniouſly; but it unfortunately happened, that they had totally and compleatly miſrepreſented or miſunderſtood the caſe. They had made the whole of their argument on the aſſumed fact, that the Managers were deſirous to blaſt the characters of the witneſs. No ſuch thing was intended nor tried. He revolted at the idea of impeaching the characters of the witneſſes he brought to the bar. The Managers felt that they were reſponſible for their conduct, and they diſdained to bring witneſſes to the bar of that high tribunal, whom they previouſly knew to be improper, and unfit to be credited. It ſo happened, that, ſolicitous only of producing truth, they had endeavoured to do that which every Court invariably practiſed in the caſe of an adverſe witneſs. They had endeavoured to refreſh his memory by a leading queſtion. Now, though on this, as well as on all queſtions, he muſt enter his proteſt againſt the idea, that that High Court was to be guided by the practice of the Courts below; contending as he did, that their Lordſhips were to be guided by thoſe rules only of which he acknowledged the propriety; yet ſtill he was ready to put his ignorance againſt the legal knowledge of the learned Counſel, and to agree with them, that it was the conſtant practice of the Courts to ſuffer leading queſtions to be put to unwilling witneſſes, and that this was not conſidered as an impeachment of their credibility. Even in caſes of life and death, it was common to ſay to a witneſs, This was not what you ſaid before the Magiſtrate, &c.; and that ſuch refreſhment of recollection was proper, and contributed to the production of truth. This was all that they denied in this inſtance. The witneſs might have improved his knowledge by

by exerciſing his memory on the point ſince his examination before the Committee, and it would be no attack on his character, if on a more preciſe recollection his evidence might be different now from what it was then.

Mr. Michael Angelo Taylor and Mr. Burke concluded the debate with a few words; and it being paſt ſix o'clock, and quite dark, the Lords adjourned to their own Chamber, where they reſolved to put a queſtion on the point in diſpute to the Judges; and adjourned the Court * to Thurſday the 10th of April.

Twelfth Day.

Thursday, April 10.

About half after twelve o'clock the Court met, and being opened with the uſual ſolemnities, and the priſoner brought to the bar,

The Lord Chancellor informed the Hon. the Managers for the Houſe of Commons, that he was directed by their Lordſhips to inform them, that "when a witneſs, produced and examined, diſclaimed all knowledge of any matter ſo interrogated, it is not competent for the Managers to purſue ſuch examination by propoſing a queſtion, containing the particulars of an anſwer ſuppoſed to have been made by ſuch witneſs in any other place, and demanding of him whether the particulars ſo ſuggeſted were not the anſwer he had made." Therefore he informed the Managers, that the laſt queſtion put to Mr. Benn was incompetent.

Mr. Fox requeſted that they might be permitted to withdraw, and accordingly the Managers withdrew for ſome time.

On their return Mr. Fox addreſſed the Court in a ſhort ſpeech, of which the following is the purport:

The Hon. Gentleman ſaid, it was with great concern that he had to inform their Lordſhips, that the Managers could not acquieſce in the reſolution which the noble and learned Lord had communicated to them, without expreſſing their direct and poſitive diſſent from the principle upon which it was made. Bound as they were to proſecute the charges exhibited againſt Warren Haſtings with vigour, they ſhould in conſequence of this reſolution have felt it their duty to return to the Houſe of Commons, and refer the deciſion to them; but that ſolicitous as they were of proſecuting the charges with diſpatch as well as vigour, they had reſolved for the time to acquieſce, but to acquieſce under a ſolemn proteſt, which he now made. In acquieſcing, however, they begged leave to ſay, that they ſhould maintain their claim to ſubmit the ſame ſort of queſtion, if in the further proſecution of the charges it ſhould be found neceſſary to the conſideration of their Lordſhips, and they ſhould alſo ſubmit it to their deliberation in another way. They felt it to be of the moſt ſerious importance, not ſo much on account of the particular queſtion on which the reſolution had been made, as it might apply equally to other queſtions of more intereſt, and they did not know but that ſuch reſtraint might ſeriouſly affect the courſe of public juſtice. It was to be obſerved, that trial by impeachment muſt neceſſarily in its nature be directed only againſt men of conſiderable rank and influence; and it was therefore to be expected that the witneſſes to be examined would be involuntary witneſſes—men who had either been accomplices in the crimes, or who owed gratitude to the priſoner, and that it would require all the powers of the Court to extract the truth, which it was the common wiſh and duty both of the proſecutors and the Court to obtain. Men of great conſideration, when under trial, would naturally poſſeſs proportionate influence—the influence both of intimidation and of hope—and, what was ſtill more likely to be the caſe, the influence of gratitude. This was particularly applicable to the preſent trial. The priſoner, by the nature of his ſituation, had neceſſarily attached to his intereſts many whom he had protected by his power, and raiſed to opulence by his favour. Many perſons were involved in the crimes with which he ſtood charged by the Houſe of Commons, and who, by their ſituations, were the beſt able to give information; and therefore, in the examination of all ſuch perſons, it became eſſential to the ends of public juſtice, that queſtions of the nature of that upon which the reſolution had been made ſhould be countenanced.—They acquieſced the more readily for the time in the deciſion, from the confidence which they had in their Lordſhips love of and zeal for juſtice, that when they came to reflect that ſuch queſtions were indiſpenſible, they would be countenanced by that High Court. They were more ready alſo to acquieſce, becauſe, though by their reſolution it might be denied to the Managers for the Commons to put ſuch queſtions, a right, however, which they would never give up, they were ſenſible that it could not poſſibly be denied to the priſoner, or to the Counſel for the priſoner, to put ſuch queſtions if they ſhould think them neceſſary; and becauſe they knew alſo, that it muſt be in the power of the Court, whoſe duty and whoſe anxious wiſh they knew it

* The Commons this day roſe from twenty to ſixty. The thermometer ſtood there at the higheſt.

muſt be to ſearch for the truth of every part of the body of matter brought before them in the charges, to aſk ſuch queſtions as occurred to them to be neceſſary of this kind. For theſe reaſons, and alſo from an earneſt deſire of proceeding with all poſſible diſpatch and vigour, they had reſolved to ſubmit for the moment, that the queſtion of right ſhould be waved; at the ſame time they could not help expreſſing their ſurprize, that their Lordſhips, who in the outſet had declared that in this High Court they were to be directed and governed by the forms and practice of the Courts below, ſhould in this particular inſtance think it neceſſary or expedient to depart from the known, conſtant, and uniform practice of every inferior Court of Law in the kingdom.

On this Mr. Benn was called again to the Bar, on his further examination.

Mr. BENN.

Examined by Mr. Fox.

Mr. Benn ſtated, that he had not ſeen his depoſition ſince he gave it in the Houſe of Commons; that he wiſhed to be indulged with a ſight of it, to refreſh his memory.—This was permitted to him.—He then went into comments and explanations of it. He ſaid, his communications with the Rajah were not official: that, of courſe, the Rajah never complained to him of ill-treatment. That he was only aſſiſtant to the Reſident of Benares, appointed in January 1781. That the confinement of Durbejah Sing was in two ways:—firſt, the guard was placed at the outſide of the garden; ſecondly, on the inſide, and ſome in the houſe; but that he ſuſtained no other hardſhip, than in being for two days *deprived of his houcca*, viz. *ſmoaking*. Did not know whether his confinement came from Government at large, or the Governor-General. That his papers were ſeized—his jaghire ſequeſtered. That it was generally underſtood there was a deficiency in his accounts; and that Culbully Ben, a farmer, had paid him monies, for which he had not accounted.

Mr. Burke here took up the examination.

That the country of Benares paid as much as it could well afford to Government; that it would not "take care of itſelf," as Mr. Burke demanded, but required ſome attention. That the article of Saltpetre, in that country, was of the nature of a Royalty in this, and was generally in the hands of ſome great Zemindar. That the Opium produced about 470 cheſts in a year.

Mr. Burke attempted to deduce from his examination, that the reſources of the country were not equal to the ſum demanded annually.

Croſs-examined by Mr. Law.

That the great reſource of the country was —its religion: that a number of Pilgrims came there, and expended large ſums in travelling and gifts. To theſe the Saltpetre and Opium were to be added. And concluded by ſaying, that the money, 2080 lacks of rupees, awarded to Government by Aly Ebraim Cawn, was never paid. That another improvement had been propoſed by Mr. Haſtings—the cultivation of ſugar—which it was proved grew there with ſucceſs.

Mr. Adam then roſe, to produce ſome written evidence:—"Country Correſpondence, and Minutes of the Secret Committee:"—and ſecret indeed they were, as they conſiſted of one continued ſtring of Indian names, whoſe ſounds occaſionally excited the wonder of many of the ladies. They were read with great perſeverance and aſtoniſhing gravity by the Clerk.

Theſe being finiſhed, the laſt evidence in ſupport of the charge was called in.

Colonel GARDNER.

Examined by Mr. Grey.

He depoſed, that he knew the country of Benares perfectly. That property was well protected there. One only inſtance of cruelty he knew—that of a Cadet being wounded by the people of the country. That he had played at Cheſs with Cheyt Sing, and walked with him in his garden, but never ſaw any violence in his temper. That he thought Mr. Haſtings might have been cut off, had the Rajah wiſhed it. That when Cheyt Sing was arreſted, the inſurrection ſeemed of the inſtant, and not premeditated. Thought that money might have been obtained from him without bloodſhed. That an indirect application had been made to Mr. Markham, who wondered "how interceſſion could be made for a murderer." Obſerved no perſonal animoſity on the part of Mr. Haſtings againſt him; but thought he was thus ſuddenly arreſted, for carrying on a Secret Correſpondence with the enemy. That arreſting was certainly an inſult, as it was in all countries; and imagined it might have been done without.

Croſs-examined by Mr. Plummer.

Thought much of the violence proceeded from Cheyt Sing's brother, Sujah Sing, who commanded almoſt entirely;—a man of much violence of diſpoſition.—This evidence was finiſhed by being aſked—that as he had declared his opinion of many perſons in the courſe of his evidence—What his opinion was of Mr. Haſtings? To which he replied, That a more *amiable private character* he had never known, than

that

that borne by Mr. Haſtings; and it was ſo univerſally acknowledged *.

Thirteenth Day.

Friday, April 11.

This day the Court being aſſembled, Mr. Anſtruther began to ſum up the whole of the evidence on the firſt charge. He entered very fully, in a ſpeech of three hours and a half in length, into the hiſtory of the tranſactions between Mr. Haſtings and the Rajah of Benares; but unleſs we were at liberty to follow him through the whole of the detail, it would be impoſſible for us to convey any idea of the happineſs with which he elucidated the whole of this complicated buſineſs. From the firſt ſuppoſed PERSONAL affront offered to Mr. Haſtings by the Rajah, to the exile of that unfortunate Prince, and the confinement and death of Doorgbidjee Sing, he was highly luminous and impreſſive. In adverting to the rights of Bulwant Sing, and his ſon Cheyt Sing, as diſcriminated by the Governor-General, Mr. Anſtruther was peculiarly happy. The former was a Zemindar, according to Mr. Haſtings, becauſe he paid tribute:—this had been made by that gentleman the ſpecific diſtinction between a Zemindar, or land-holder, and an Aumeel, or collector; yet when his indignation was rouſed againſt Cheyt Sing, his payment of tribute was the very reaſon aſſigned why he ſhould NOT be regarded as a Zemindar!

Mr. Anſtruther then took notice of the different arguments which had fallen from the advocates of Mr. Haſtings, in reply to the particulars of this charge. It had been urged, that the whole of his conduct in India, though repugnant, perhaps, to particular ſtatutes, was ſtrictly conſonant to the uniform practice in Aſia. "Would it have been borne," aſked Mr. Anſtruther, "in the ROMAN government, even at its moſt degenerate period, in a Provincial Governor, on his trial for oppreſſion, to have proteſted againſt that ſyſtem of juriſprudence which he had violated—to have exclaimed, "Try "me not by your mild inſtitutes—try me "not by the code of Juſtinian—for theſe "accord not with the ſyſtem I have pur-"ſued;—try me, on the contrary, by the "practices of a Nero and a Caligula, and "by thoſe ſhall my journal of deſolation "be fully juſtified."—Yet this was preciſely held forth by Mr. Haſtings—"Try me not," ſaid he, "by the Britiſh laws; ſubject me not, to the code of Aſiatic juſtice; but try me by the practices of Coſſim Ali Cawn and Aliverdi Cawn, for their perfidy of oppreſſion will find an ample ſtore of precedent!"

He concluded by aſſuring their Lordſhips, that no pains had been ſpared by the Committee to bring forward thoſe parts only of the evidence on this charge, which went directly to prove thoſe facts on which the charge had been originally founded.

Mr. Benn and Colonel Gardner were then called in, and aſked a few queſtions by the Earl of Suffolk, reſpecting chiefly the firſt inſults offered to the Rajah of Benares, at the time of his arreſt, and the treatment of Doorgbidjee Sing during the time of his impriſonment. To a queſtion, "Whether, according to the cuſtoms of the nation, it was not a ſevere inſult to deprive Doorgbidjee whilſt confined of his *boucca*, or tobacco-pipe?" Mr. Benn replied, "That it was not more than taking from an Engliſh gentleman his *ſnuff-box*."

Mr. Burke then ſaid, that before the buſineſs was finally ſubmitted to the juſtice of their Lordſhips, he found it neceſſary to trouble their Lordſhips with a few words on the nature of the evidence which had been produced. It was to be recollected, that ſome of thoſe men who had been called to their bar had been the inſtruments of that tyranny which was now arraigned. Thoſe who were deputed to oppreſs, were therefore to be treated with caution, when they ſpoke of the meaſure of the oppreſſion. It was eaſily to be ſeen, that thoſe who had inflicted the injuſtice, would not uſe the harſheſt terms when ſpeaking of its meaſure and its rate. Of this nature appeared to be the evidence of that perſon who had ſpoken of the privation of the *boucca*, during the impriſonment of Doorgbidjee Sing. To ſome of their Lordſhips, happy in large fortunes, and nurſed in the lap of indolence, ſuch circumſtances might appear trifling; but to the wretched priſoner, deprived of every comfort, the ſmalleſt alleviation of his miſery was of importance, and left a *vacuum* in the forlorn reſidue of his enjoyments. It was equal in that caſe what the object might be

* In the courſe of the day various Lords put different queſtions—Lords Fitzwilliam, Derby, Kinnaird, Stanhope, Portcheſter, Coventry, and others.

The Prince of Wales, the Duke of York, and the Dukes of Glouceſter and Cumberland, were all preſent.

The Commons were few in number indeed—leſs than on any former occaſion; and the audience leſſened ſo continually from time to time, that at laſt ſcarcely any hearers but thoſe who were obliged to hear were left in the Court.

—even a ſnuff-box or a tobacco-box became matters of moment. Their Lordſhips might have heard of a priſoner in the Baſtile, whoſe ſolitude and miſery found a reſpite in the play of a *ſpider*, which he had trained in ſome degree of familiarity. In that ſingle enjoyment he bore his ſorrows without repining; but the circumſtance being diſcovered by his keeper, that inhumanity which cruſhed the *ſpider*, plunged the other victim into a deſpair which terminated his exiſtence.

With reſpect to the treatment of Cheyt Sing, on his arreſt, it was only neceſſary, Mr. Burke obſerved, to caſt a brief retroſpect to the circumſtances. The Rajah had been oppreſſed, until he could find no refuge, and degraded in the eyes of his people, beyond the reach of human conſolation.—He had returned to his cloſet, to addreſs himſelf to the Divinity—the Common Father of All. He was there ſuffered to be inſulted by a *Chubdar*, a wretch of the meaneſt claſs. Thoſe who had permitted this deed, had forgotten the maxim, *Quod res eſt ſacra miſer.*—If they had not remembered the reverence due to a Prince and Prieſt, they ſhould have known that there was a ſacredneſs in miſery, and have reſpected his wretchedneſs, even when they overlooked his rank. In revenging this inſult, his ſubjects had merely done their duty. They had done what every Britiſh ſubject, it was to be hoped, would do, if they ſaw their Sovereign ſo degraded. To ſay the Rajah, who was a Commander, a Prince, ſhould not be diſgraced, from being arreſted by one who had formerly been his ſervant, and at the hour of his devotions, was ridiculous. And for what reaſon? Why, becauſe he was not a *Bramin*—or a Prieſt. A very admirable reaſon indeed!—"Suppoſe, (ſaid the orator, and with an audacity that was felicitous)—ſuppoſe a Lord Chancellor himſelf—*ſhould be found at his devotions*, the keeper of his Majeſty's conſcience—and great as he muſt be—ſuppoſe he ſhould be thus taken away, would it remove the indignity that he was not a *Biſhop?* No:—the Lord Chancellor would know, and feel the diſgrace: He would think of the devotion he had loſt, and he would not care whether he was a Biſhop or no."

The whole Court was in a roar of laughter at this novel flight. The Lord Chancellor, however, kept his gravity.

This laſt ſpeech more than compenſated for the *tædium* of the day, which certainly had been—"*carbone notandus*," amongſt the dulleſt.

The Hall had but a thin attendance.

The Court broke up at half paſt four o'clock.

FOURTEENTH DAY.

TUESDAY, APRIL 15.

SECOND CHARGE;

RELATIVE TO

The BEGUMS, or PRINCESSES of OUDE.

The Court being ſeated,

Mr. Adam informed their Lordſhips, that he was commanded by the Commons to lay before them the particulars of the ſecond article of impeachment preſented againſt Warren Haſtings Eſq. Conſcious as he was of his want of abilities to diſcharge ſo arduous a taſk, he had not preſumed to ſolicit it; it was aſſigned to him by thoſe whoſe commands it was his duty to obey; and though ſo ſplendid a diſplay of talents had been made elſewhere upon the ſame ſubject as might frighten any man from purſuing it, yet relying upon the indulgence of the Court, he would venture, in obedience to his orders, to enter upon the ſubject, in treating of which he had the goodneſs of his cauſe and his zeal only to ſupport him.

The various articles of the ſecond charge might be reduced under nine or ten heads, containing as many general poſitions, and the grounds of allegations of guilt againſt the priſoner—Firſt, that Oude was a great, rich, and flouriſhing country—that the Begums, the mother and grandmother of the reigning Nabob of Oude, were ladies of high birth and quality—that they were legally in poſſeſſion of great eſtates, both real and perſonal—that the property of them was legally veſted in theſe Princeſſes—that the Eaſt-India Company had guaranteed the poſſeſſion of them—that it was the bounden duty of Mr. Haſtings to maintain the Princeſſes in the undiſturbed poſſeſſion of their property ſo guaranteed—that, on the contrary, he had invaded it, and even compelled their own neareſt relation to ſpoil them of it—that, with his knowledge, the Princeſſes and their families were treated with the greateſt indignity, and reduced to the greateſt diſtreſs—that, for the purpoſe of giving a colour to his own unwarrantable proceedings, he had, by means of affidavits taken by the Chief Judge of India, Sir Elijah Impey, to the great diſcredit of juſtice, and of his ſituation, ſlandered the Begums, as the abettors of the rebellion of Cheyt Sing, &c.—and finally, his motives in the whole of the proceedings relative to the country of Oude, were founded in avarice and corruption.

Upon theſe different heads, he begged leave to ſtate to their Lordſhips the different obſervations that occurred to him, and which, he truſted, would place the guilt of the priſoner in ſuch a point of view, that judges

judges of infinitely leſs diſcernment than their Lordſhips poſſeſſed could not but be ſtruck with it.

That Oude was a country of conſiderable extent, would appear from this fact, with which their Lordſhips were well acquainted; that it was in length 360 miles, and in breadth 180; ſo that it was nearly as long as England, and as broad as this kingdom, from the iſle of Angleſea to the mouth of the Humber: it exceeded Ireland in length by 70 miles, and was rather broader than any part of that iſland. It was wealthy, becauſe it produced in ſome parts various articles for trade and manufactures, which were carried on to a very conſiderable extent; and in other parts it was rich in tillage. Before its connexion with the Eaſt-India Company, it was able to defray the expences of all its eſtabliſhments, without letting any run into arrear; and the ſize of thoſe eſtabliſhments might be collected from this, that when a reduction in the army took place in Oude, the number of men ſtill kept in pay amounted to 36,000 rank and file.

Thus was the country rich and flouriſhing, while the Provinces were fewer in number than they afterwards became by the acceſſion of Douab, and the conqueſt of Rohilcund, or the country of the Rohillas; but this increaſe of dominion did not bring increaſe of wealth to the Nabob of Oude; on the contrary, his finances fell into diſorder, he became aſtoniſhingly embarraſſed, and his country was ruined.

The origin of his connexion with the Engliſh was the Rohilla war. That war the Houſe of Commons in its wiſdom had not thought proper to make the ground of a charge againſt the priſoner, and therefore he would not urge it againſt him as ſuch: but he muſt make mention of it, for the purpoſe of ſhewing the origin of our connexion with the Nabob Vizier. When Sujah ul Dowlah formed the deſign of adding Rohilcund to his dominion, he entered into a treaty with Mr. Haſtings for the avowed purpoſe of *exterminating* the Rohillas; and the price of our aſſiſtance was ſtipulated at 40 lacks of rupees, or 400,000l. The ſun that ſaw the beginning and completion of this infamous bargain had riſen in *avarice*; its meridian was in *cruelty*, and its ſetting in *blood*. From ſuch a connexion nothing good could be expected; and, accordingly, from that day forward the Vizier began to run into debts, which daily increaſed, but were never ſuffered to diminiſh. His embarraſſments diſabled him from fulfilling his pecuniary engagements with the Engliſh, and gave them a pretence for meddling with the internal government of his country, and reducing him, as it were, to a cypher. Such was the actual ſtate of that Prince and his territory.

The Princeſſes of Oude, as he had ſtated before, were ladies of high birth and quality. The Elder Begum, or grandmother of the reigning Prince, was the daughter of a perſon of ancient and illuſtrious lineage, who was of ſufficient power and conſequence to be able to diſpute the high office of Vizier of the Mogul empire with the Nizam of the Carnatic, and was at laſt honoured by the Great Mogul with the title and office of *Captain General of the Empire*. Her father gave her in marriage to Sufter Jung, a man of very noble birth, who left to his ſon Sujah ul Dowlah the dignity of Vizier, and from him it deſcended to Aſoph ul Dowlah, Sujah's ſon, who now reigns over the territories of Oude. The younger Begum, or Princeſs's mother, was not of birth ſo illuſtrious as the former, but ſtill ſhe was nobly born, and became the wife of Sujah ul Dowlah, and bore to him the reigning Nabob Vizier.—From this ſhort hiſtory it appeared, that theſe ladies were of high rank, and intitled to great reſpect, and to great eſtabliſhments. They accordingly enjoyed both.—That the eſtates which they poſſeſſed belonged to them in *propriety*, and were not held by them in truſt, ſhould, Mr. Adam ſaid, be proved to the entire ſatisfaction of their Lordſhips. The bare *poſſeſſion* of the perſonal eſtates or treaſures which they had in their palaces, was a proof of the propriety; for as thoſe treaſures were depoſited in the Zenana, or palace ſacred to the reſidence of the ladies of the Court, it was impoſſible that, according to the law of the country, any human creature of the *male* kind, except a huſband, ſon, or brother, could ſet his foot within the gates of it: No compulſory proceſs, therefore, could be ſerved or executed in the Zenana, and no one could enter it to take away the treaſure. Would not, then, their Lordſhips admit, that the treaſure which no one could take from them was really the property of the Princeſſes? But the proof of the property did not reſt upon theſe points only, ſtrong as it was. By the laws of the Koran, the Nabob was not reſtrained from giving eſtates, both real and perſonal, in full property, to his mother and grandmother; and what one Nabob had given, another was pleaſed to confirm.—The younger Princeſs had lent her ſon 26 lacks of rupees, for which he gave her his bonds: here was EVIDENTIA REI that the money ſo lent was not the property of the borrower, but of the lender; for no man borrows his own money, and binds himſelf to repay it. The Nabob's affairs growing ſtill more and more embarraſſed, that Prince was ſtill preſſing his mother for money, and laying

laying claim to part of her treaſures, as the property of the crown, which his deceaſed father could not will away. His mother, to relieve his diſtreſſes, and to ſecure to herſelf the peaceable enjoyment of a part, at leaſt, of her fortune, entered into a treaty with her ſon, to which the Engliſh were parties and guarantees; for without their guarantee ſhe would conclude nothing. By this treaty ſhe agreed to cancel her ſon's bond for the 26 lacks ſhe had already lent, and further, to pay 30 lacks more, or 300,000l. making in the whole 560,000l. ſterling. In conſideration of this immenſe ſum given to the Nabob, that Prince releaſed all claim to the landed and remaining part of the perſonal eſtates, left by his father, Sujah ul Dowlah, to the Princeſs his widow. The full enjoyment and poſſeſſion of the eſtates ſo confirmed to the Begum, by the Nabob her ſon, were guaranteed to her by Mr. Haſtings. Whatever therefore might have been her title to this property before, her right under this treaty and this guarantee became as legal, as ſtrong, and as binding, as the laws of India and the laws of nations could poſſibly make it.—The property of the elder Begum, or Princeſs, grandmother to the Nabob, ſtood exactly in a ſimilar predicament, and on a ſimilar foundation. She enjoyed her eſtates under a ſolemn treaty, and a ſolemn guarantee on the part of the Engliſh Government. But nothing legal, nothing ſacred, could reſiſt the lawleſs rapacity of Mr. Haſtings, as theſe Princeſſes ſoon experienced.

As the repreſentative of the government that had guaranteed the treaties which ſecured to theſe ladies their property, it was his duty to interpoſe his authority and influence in their behalf, if any attempt was made to ſpoil them of their fortune, in violation of the treaties: as a man, he was bound by every obligation of friendſhip and generoſity to be the declared protector of the younger Princeſs: that lady, in a letter which ſhe wrote to him, and which would not diſcredit the genius of an Elizabeth, or the abilities of a Cecil, ſtated, that when Sujah ul Dowlah was in his laſt moments, ſhe approached his bed, and lamenting the misfortunes which were likely to befal her and his young children, who were going to be deprived of their only ſupport, he bid her not to afflict herſelf ſo much for his loſs; he would leave her a generous and firm friend and ſupporter in the perſon of Mr. Haſtings, who would be a father to his children. This letter was written at a time when her ſon Aſoph ul Dowlah was endeavouring to ſpoil her and his grand-mother of their property. Mr. Haſtings was moved at the peruſal of it, and wrote to the Nabob in behalf of his parents. In this letter he was clear and explicit upon the obligation that children were under to honour and reſpect their parents, and the duty which nature itſelf dictated, to all relations, to love and aſſiſt one another: that duty, he ſaid, was enjoined, not merely by the laws of this or of that country, but by thoſe of all nations; it was proclaimed by the voice of nature itſelf. Here Mr. Adam obſerved, that when Mr. Haſtings was ſpeaking the language of nature, no man could ſpeak it more forcibly, or deliver it more intelligibly; but when he was endeavouring to palliate actions of his own, which the laws neither of God nor man could warrant, his ſtile was ambiguous and his language obſcure, ſetting all fair conſtruction at defiance, under the ſhew of ſplendid high-ſounding but unmeaning diction. When the priſoner wrote that letter, had he changed his nature? or could the man who afterwards compelled the ſon to become his inſtrument to rob his parents, have dictated ſo humane a letter? Pards bred pards, tygers begat tygers, and the dove never was hatched under the vulture's wing: nature might ſleep for a while, but muſt be nature ſtill: and therefore, tho' the priſoner had for a time put on the ſemblance, and adopted the language, of humanity, it was only for a time; he ſoon threw off the maſk, and diſplayed the ſame horrid diſpoſition that dictated the treaty for the extermination of the Rohillas, and the ſame barbarity that marked the progreſs of that abominable war.

Mr. Haſtings expected that the country of Oude, exhauſted as it was by the immenſe fortunes that had found their way from it into Great-Britain, by the extravagant military eſtabliſhments that were kept up in it, and by the ſubſidies paid to the Company, ſhould be as full of wealth and reſources as it was before its connection with the Engliſh, when its revenue, excluſive of that of the Doaab and Rohilcund, exceeded three crores, or THREE MILLIONS STERLING, a-year. That revenue, when the Nabob's dominions were leſs extenſive, defrayed all the expences of government, and the ſtate was not a rupee in debt: but ſuch had been the drain of wealth from Oude after its connection with the Company, that though the produce of the Doaab and of Rohilcund was by the conqueſt of thoſe countries added to the revenue of Oude, the whole was inſufficient to the charge of its eſtabliſhments, and the Nabob was plunged in debt, from which he ſaw no reſource of extricating himſelf: but Mr. Haſtings, more quick-ſighted, or leſs ſcrupulous than the Prince, ſaw a

great

great réſource in the real and perſonal eſtates of the Begums, and inſinuated to him, that if he would ſeize them, he would be able to relieve himſelf from his embarraſſments, and pay off a conſiderable part of his debt to the Company. The Nabob was ſhocked at the inſinuation; as a SON, he felt a degree of horror at the idea of becoming the plunderer of his parents; and as a MAN OF HONOUR, he could not bring himſelf to violate a treaty which he himſelf had made, and confirmed with an oath, and for which the Princeſſes had given a valuable conſideration. The ſentiments of that Prince on the occaſion were very ſtrongly expreſſed by Mr. Middleton, the Engliſh Reſident at his Court, in theſe words, in a letter from Lucknow, dated the 6th of December, 1781; in another, dated the following day; and in a third, dated the 9th of the ſame month:—

"Finding the Nabob wavering in his determination about the reſumption of the jaghires (the landed eſtates of his parents), I this day in preſence of, and with the Miniſter's concurrence, ordered the neceſſary perwannahs to be written to the ſeveral Aumeels for that purpoſe; and it was my firm reſolution to have diſpatched them this evening, with proper people to ſee them punctually and IMPLICITLY carried into execution: but before they were all tranſcribed, I received a meſſage from the Nabob, who had been informed by the Miniſter of the reſolution I had taken, entreating that I would withhold the perwannahs until to-morrow morning, when he would attend me, and afford me ſatisfaction on this point. As the loſs of a few hours in the diſpatch of the perwannahs appeared of little moment, and as it is poſſible the Nabob, ſeeing that the buſineſs will at ALL EVENTS BE DONE, may make it an act of his own, I have conſented to indulge him in his requeſts; but be the reſult of our interview whatever it may, nothing ſhall prevent the orders being iſſued to-morrow, either by him or myſelf, with the concurrence of the Miniſters. Your pleaſure with reſpect to the Begums I have learned from Sir Elijah Impey; and the meaſure heretofore propoſed will ſoon follow the reſumption of the jaghires. From both, or indeed from the former alone, I have no doubt of the complete liquidation of the Company's balance."

DEC. 7, 1781.—"I had the honour to addreſs you yeſterday, informing you of the ſteps I had taken in regard to the reſumption of the jaghires. This morning the Vizier came to me, according to his agreement, but ſeemingly without any intention or deſire to yield me ſatisfaction on the ſubject under deciſion; for after a great deal of converſation, conſiſting on his part of trifling evaſion, and puerile excuſes for withholding his aſſent to the meaſure, though at the ſame time profeſſing the moſt implicit ſubmiſſion to your wiſhes, I found myſelf without any other reſource than the one of employing that excluſive authority with which I conſider your inſtructions to veſt me: I therefore declared to the Nabob, in preſence of the Miniſter and Mr. Johnſon, who I deſired might bear witneſs of the converſation, that I conſtrued his rejection of the meaſure propoſed as a breach of his ſolemn promiſe to you, and an unwillingneſs to yield that aſſiſtance which was evidently in his power, towards liquidating his heavy accumulating debt to the Company; and that I muſt, in conſequence, determine, in my own juſtification, to iſſue immediately the perwannahs, which had only been withheld in the ſanguine hope that he would be prevailed upon to make that his own act, which nothing but the moſt urgent neceſſity could force me to make mine. He left me without any reply; but afterwards ſent for his Miniſter, and authorized him to give me hopes that my requiſition would be complied with; on which I expreſſed my ſatisfaction, but declared that I could admit of no further delays; and unleſs I received his Excellency's formal acquieſcence before the evening, I ſhould then moſt aſſuredly iſſue my perwannahs; which I have accordingly done, not having had any aſſurances from his Excellency that could juſtify a further ſuſpenſion. I ſhall, as ſoon as poſſible, inform you of the effect of the perwannahs, which, in many parts, I am apprehenſive it will be found neceſſary to enforce with military aid. I am not, however, entirely without hopes, that the Nabob, when he ſees the inefficacy of further oppoſition, may alter his conduct, and prevent the confuſion and diſagreeable conſequences which would be too likely to reſult from the proſecution of a meaſure of ſuch importance without his concurrence. His Excellency talks of going to Fyzabad (the reſidence of his mother and grandmother) for the purpoſe heretofore mentioned, in three or four days. I wiſh he may be ſerious in his intention, and you may reſt aſſured I ſhall ſpare no pains to keep him to it."

DEC. 9, 1781.—"I had the honour to addreſs you on the 7th inſt. informing you of the converſation which had paſſed between the Nabob and me, on the ſubject

" of reſuming the jaghires, and the ſteps I " had taken in conſequence. His Excellen- " cy appeared to be very much hurt and " incenſed at the meaſure, and loudly com- " plains of the treachery of his Miniſters; " firſt, in giving you any hopes that ſuch a " meaſure would be adopted; and, ſecondly, " in their promiſing me their whole ſupport " in carrying it through: but, as I appre- " hended, rather than ſuffer it to appear that " the point had been carried in oppoſition to " his will, he at length yielded a *nominal* " acquieſcence, and has this day iſſued his " own perwannahs to that effect; declaring, " at the ſame time, both to me and his " Miniſters, that it is AN ACT OF COM- " PULSION."

Thus their Lordſhips would ſee, that though this Prince had a regard for his character as a ſon, a man, and a Prince, and felt a horror at the idea of violating an oath, Mr. Haſtings was above all ſuch TRIFLES of conſideration, and was not ſatisfied till he FORCED this unfortunate Prince to break through all the ties of nature and religion, and rob thoſe of the means of ſupporting life from whom he derived his exiſtence.

In the remaining part of Mr. Adam's ſpeech he ſtated the hardſhips and diſtreſs which the other children and wives of his father were made to endure by the Nabob. Such was their want of food, the Princeſſes who had hitherto ſupported them being plundered, that the brothers of the Nabob begged that they might be ſuffered to go forth into the world, to earn their bread by their daily labour; and the women, who in India think the ſight of a man, not their huſband or near relation, a downright pollution, expiable only by death, were become ſo outrageous for food, that they forced their way out of the Zenana, but were beat back with bludgeons by the ſepoys.

He could not ſay that all theſe cruelties were committed by the expreſs order of Mr. Haſtings; but they were perpetrated by the order of the Engliſh Reſident, who was the mere creature of Mr. Haſtings, who acted under his authority, and who, with the knowledge of the Governor-General, had engroſſed the adminiſtration of every department in the ſtate of Oude, civil, military, judicial, and of finance, and left the Nabob but a ſhadow of power: he knew alſo, that when all theſe particulars were afterwards communicated to Mr. Haſtings, he did not take one ſingle ſtep towards puniſhing thoſe who had acted with ſo much barbarity.

In the narrative which Mr. Haſtings drew of this whole tranſaction he had FALSIFIED dates, in order to impute guilt to the Begums, which could not be imputed to them if the true dates were ſet down.

While the latter aſſertion was made by Mr. Adam, that temper which had marked, and ſo meritoriouſly marked, the deportment of Mr. Haſtings, left him for a moment, and acroſs his box, to a gentleman in it, he whiſpered, " that the aſſertion was falſe!"

At theſe words Mr. Adam grew more impetuous.

" What, ſaid he, ſhall I hear, my Lords, " and bear, that my aſſertion ſhall be con- " tradicted? Shall I, who ſtand here as " the delegated Manager of the Commons, " be told that I am advancing what is un- " true? In the ſituation in which I ſtand— " and from that degraded man at your bar, " loaded with crimes, and groaning under " his enormities—I will not bear it.—To " your Lordſhips I appeal for PROTEC- " TION!"—[Here various perſons in the Court roſe up—and a brother Manager touching Mr. Adam, he recovered himſelf, and went on more calmly.]—" No, my " Lords, my aſſertions will prove to be true: " I will trace the guilt of Mr. Haſtings— " from the firſt attempts at expedience— " from the trial of a meaſure, and the fear " of its failure, to the joy at its execution, " and the triumph at its ſucceſs:—I will " ſhew him to you, falſifying his truſt— " defrauding the Eaſt-India Company:—I " will prove him guilty of FORGERY and " MURDER!"——Mr. Haſtings no longer ſhewed any emotion.

After various quotations from Latin Authors, by which Mr. Adam attempted to enforce his ſpeech, and which he quoted and intermixed ſo rapidly with Engliſh, that it was almoſt impoſſible to diſtinguiſh the " dead from the living," he proceeded to that part of the Begum Charge which brought in the name of Sir Elijah Impey.

" If I reſpect the Law, ſaid Mr. Adam, " of which I am a Member; if I revere its " doctrines, or am proud of the profeſſion " —how muſt I, and how muſt every lover " of the Laws or Conſtitution, around me, " feel, when we reflect upon ſuch a man— " ſuch a lawyer, and ſuch a being in the " character of a Judge, as is Sir Elijah Im- " pey! throwing aſide the unſullied er- " mine, and the ſacred dignity of his pro- " feſſion, to go on the common errands of a " Commiſſioner; to take the affidavit of " every man who would make one; and " thus, on *ex parte* evidence, ſworn with " ſuch ſpeed as left truth out of the queſ- " tion—and given in a corner—in the houſe " of Mr. Middleton, where every thing that " can create ſuſpicion, might be expected to " be found—thus to deſtroy theſe wretched " Begums!"

After ſpeaking three hours and a quarter —Mr. Adam drew towards the concluſion, which he pointed as follows:

" If what once drew attention at this Bar, " in the perſon of Lord Lovat: if then—the " ſame ſummary mode of proceeding which " Mr. Haſtings choſe in India, had been " adopted—what would your Lordſhips " have thought—or, what would future " times have ſaid of our memories?—If that " Lord Lovat, inſtead of being brought to " a fair and honourable trial, had been in- " ſtantly deſtroyed by his conqueror—the " great Duke of Cumberland—would not " your Lordſhips, with one voice, have pro- " nounced it unneceſſary and inhuman de- " ſtruction? Not leſs ſo was the conduct of " Mr. Haſtings againſt the Princeſſes of " Oude:—unfortunate in having no Law " but the Will of their Conqueror:—and " whoſe Will had no Feeling for its " guide!"

" At the cloſe of his own written De- " fence," ſaid Mr. Adam, " Mr. Haſtings " has taken up an addreſs ſimilar to that of " the Earl of Strafford:—He tells you, that " he was ſent young to India, and almoſt " unacquainted with its nature and its man- " ners:—that in the moſt trying ſituations, " he was forced to be his own guide; his " own Politician; his own General; his " own Divine; and his own Judge! " That in duties ſo numerous and ſo com- " plicated, the beſt abilities might err: his " talents have not that boaſt; and therefore " ſhould his errors, if ſuch were found, " meet the pardon of his country.

" If a plea ſimilar to the Earl of Strafford " be taken up by Mr. Haſtings—then will I " adopt the anſwer of one of the greateſt " men this nation has ever had to boaſt—I " mean Mr. Pym.—He ſays—and with " juſtice he urges it—We aſk not for pre- " ternatural abilities, nor expect them: but " here, there is tranſgreſſion againſt every " rule: The light of Nature: The light of " Reaſon: The light of common Huma- " nity: all might have led him into a better " path; but wilfully, he choſe to ſtray from " the ſafe road, and if danger ſhould await " him, it is his own ſeeking."

Mr. Adam then addreſſed himſelf to the Lords, and adjured them, in the different capacities of Judges, Fathers, Sons, Peers, Engliſhmen and Men, to find Mr. Haſtings guilty *.

Mr. Pelham would now have continued the Charge; but the Court finding that it was four o'clock, adjourned.

FIFTEENTH DAY.

WEDNESDAY, APRIL 16.

Mr. Pelham informed their Lordſhips, that it had fallen to his lot to make ſome obſervations upon the anſwer delivered by Mr. Haſtings to the Second Charge. And here he lamented their Lordſhips' rigid adherence to a reſolution, which introduced a practice ſo very different from that which prevailed in the Courts below, and which obliged him to take notice of this anſwer before any evidence had been brought by the accuſed in ſupport of it. The Managers laboured under difficulties unknown to any former Committee of Managers; and thoſe difficulties were increaſed by the number of friends by whom the priſoner was countenanced and protected. True friends, who wiſhed for the honourable acquittal of the object of their friendſhip, would require that every ſource of evidence ſhould be explored, and laid open to the judges; for by ſuch means ONLY could an HONOURABLE acquittal be produced. But thoſe who conſidered not the HONOUR of their friend, but the IMPUNITY of his PERSON, and the PRESERVATION of his ill-acquired WEALTH, would wiſh to keep back every particle of evidence that might throw light upon the cauſe. Againſt ſuch friends of Mr. Haſtings the Managers had to contend; and from the mouths of ſuch men were they to endeavour to draw forth truth.

Having premiſed this, he obſerved, that the defence ſet up to the ſecond charge by Mr. Haſtings himſelf and his friends, both in Parliament and out of it, reſted entirely upon the plea of NECESSITY.—The ſeizure of the treaſures and jaghires of the Begums could not be defended by ſuch a plea; becauſe the priſoner was not obliged by neceſſity to commit this act of injuſtice: on the contrary, that neceſſity, whatever might be its degree upon which he reſted his defence, was the conſequence of his own malverſation, and therefore it ill became him to urge one crime by way of juſtifying another. The great ſource of all the evils that had befallen the country of Oude, was in the reſolution the Governor-General had formed to make the Nabob take the temporary brigade into his pay: to this meaſure might be aſcribed and traced all the ſubſequent calamities and diſtreſſes of that

* Mr. Adam was up three hours and an half, and was heard with great attention. In many parts he deſerved it. In parts there was a violence liberal men do not love.

The Commons were more numerous than uſual. The female part of the audience were in greater numbers than have lately been ſeen.

country and its Sovereign. The ſums neceſſary for the ſupport of ſuch a body of troops were too great for the treaſury of Oude to bear; and the conſequence of their being kept up was, that the Nabob was daily contracting debts, which he had no proſpect that he would ever be able to diſcharge. The Prince was fully aware of this, and frequently endeavoured to get rid of the expence by ſending away the brigade; but he found he was not the maſter of his own treaſure, or the ſovereign of his dominions; for Mr. Haſtings had cauſed it to be ſignified to him, that the Council at Calcutta, and not the Nabob, ſhould judge of the expediency of withdrawing the brigade. It was evident, therefore, that as the neceſſity which Mr. Haſtings urged in his defence was founded in the diſordered ſtate of the Nabob's finances, and as that diſordered ſtate was produced by Mr. Haſtings himſelf, the neceſſity which he pleaded in his juſtification was created by himſelf, and conſequently inadmiſſible as an anſwer to a criminal charge.

Another ground of defence was, that the article in the treaty of Chunar, by which the priſoner conſented that the Nabob ſhould ſeize the lands of his mother and grandmother, was barely *permiſſive*, and by no means *imperative*. He would contend, that though this were admitted, the priſoner would not appear the leſs criminal; for as the Engliſh Government was ſolemnly pledged to maintain the Princeſſes in the poſſeſſion of thoſe eſtates, it was no leſs a breach of duty in the head of that government to *permit* than to *command* an act that amounted to a violation of the treaty to which the Engliſh were guarantees. Our juſtice ought not to ſuffer us to violate that treaty ourſelves; our honour was intereſted in preventing another from doing it. But the truth was, that the treaty was violated under the authority, nay by the *command*, of the priſoner; for by repeated meſſages and *injunctions*, and under menaces of "a dreadful reſponſibility," he urged the Reſident to a completion of the barbarous act of ſpoiling the Princeſſes by the hand of their own ſon; and well knowing that ſuch an act would probably be reſiſted, he *ordered* the Reſident to uſe the *Britiſh troops* under his direction for that purpoſe; and offered the aſſiſtance of further forces, urging the execution in the following peremptory terms: "You *yourſelf* muſt be *perſonally preſent*— "You muſt not allow any negociation or "forbearance; but muſt proſecute both "ſervices, until the Begums (the Princeſſes) "are at the entire mercy of the Nabob."— Their Lordſhips had heard yeſterday, from the authority of the Reſident's letter, that the Nabob, ſo far from having been a *willing* inſtrument in the hand of the priſoner, had thrown all poſſible delay in the way of the meaſure; and when at laſt he lent his name and countenance to it, he declared and proteſted that he did ſo by *compulſion*.

The priſoner could not throw the blame of this meaſure on the Reſident; for the meaſure was ſo far from originating with the latter, that he incurred the diſpleaſure of Mr. Haſtings for having allowed the Nabob *two* days to conſider of the part that he ſhould take. The Reſident was ſo much a creature of the Governor-General, that he was ready to ſay or to unſay, to repreſent fairly, or to miſrepreſent, juſt at the will and pleaſure of his principal. This appeared manifeſt from the following letter, written by Mr. Middleton, the Reſident, on the 30th of December 1781, ſome few days after he had informed him that orders had been iſſued for ſeizing the eſtates of the Princeſſes, and that the Nabob had at length agreed to take an active part in the buſineſs, though under a proteſt that he acted by compulſion.

"My dear Sir,

"I have this day anſwered your *public* "letter, in the form you ſeem to expect: I "hope there is nothing in it that may ap- "pear to you too pointed. If you wiſh the "matter to be otherwiſe underſtood than I "have taken up and ſtated it, I need not "ſay I ſhall be ready to conform to whatever "you may preſcribe, and to take upon my- "ſelf any ſhare of the blame of the "hi- "therto" non-performance of the ſtipula- "tions made on behalf of the Nabob.— "Though I do aſſure you I myſelf repre- "ſented to his Excellency and the Miniſters, "conceiving it to be your deſire, that the "apparent aſſumption of the reins of his "government, for in that light he undoubt- "edly conſidered it at the firſt view, as ſpe- "cified in the agreement executed by him, "was not meant to be *fully* and *literally* en- "forced; but it was neceſſary you ſhould "have ſomething to ſhew on your ſide, as "the Company were deprived of a benefit, "without a requital; and upon the faith of "this aſſurance alone, I believe I may ſafely "affirm his Excellency's objections to ſign- "ing the treaty were given up. If I have "underſtood the matter wrong, or miſcon- "ceived your deſign, I am truly ſorry for "it; *however, it is not too late to correct the* "*error, and I am ready to undertake, and,* "*God willing, to carry through, whatever you* "*may, on receipt of my public letter, tell me* "*is your final reſolve.*"

From ſuch a letter their Lordſhips muſt be convinced, that the Reſident was too much devoted to the priſoner to do any thing that

that he thought would diſpleaſe him—too much in awe of him to dare to execute any great meaſure of ſtate without his knowledge or command. Fortunately for the cauſe of public juſtice, Mr. Haſtings had quarrelled with Mr. Middleton, and that quarrel had brought to light the dark tranſactions in Oude, which otherwiſe would perhaps never have ſeen the day. But unfortunately for Mr. Haſtings, the quarrel was not occaſioned by the wrath of that gentleman, in finding that Mr. Middleton had exceeded his orders, but, on the contrary, that he had not rigorouſly fulfilled thoſe harſh and ſevere injunctions, "that he ſhould not allow *any* negociation or forbearance;" and Mr. Middleton was guilty of the heinous crime of allowing the Nabob *two whole days* to conſider whether he would take an active part in plundering his parents. It would have been happy for this country that the whole conduct of the Reſident had been as irreprehenſible as this part of it.

That the treaty by which we were bound to protect the Begums was underſtood by the Company to be a ſacred obligation upon our faith and upon our honour, appeared from the letter written by the Court of Directors, immediately after they had learned that the Princeſſes had been ſpoiled of their property: they ſtated in that letter, that as we were undoubtedly bound to maintain to the Begums the poſſeſſion of the jaghires, they truſted that the guilt of theſe ladies was as clear as day, and a matter of public notoriety in the country, becauſe if it were otherwiſe, our national honour would receive a wound which could never be healed. But ſo far was that guilt from being a matter of notoriety, that it was not known at all, that it never was proved; nay, that it had not been ſo much as urged as a reaſon for the reſumption of the jaghires; for when it was reſolved that ſuch a meaſure ſhould be adopted, it was repreſented as part of a general ſyſtem of policy, and not as a puniſhment inflicted on the Princeſſes for crimes committed by them. It was repreſented to them, that the Nabob intended, for reaſons of ſtate, to reſume all the jaghires in his dominions, and the jaghires of the Princeſſes of courſe, as part of them. Here was no mention of guilt, or of ſo much as a ſuſpicion of it. The truth of the buſineſs was, that Mr. Haſtings, diſappointed in his hopes of getting poſſeſſion of Cheyt Sing's treaſures in the Fort of Bidjegur, the army having divided them among themſelves, began to conſider where he could get money. Sir Elijah Impey ſaw him at that time, and ſaid that he had never ſeen "his great mind in ſuch diſtreſs." The treaſures and jaghire of the Begums held out the proſpect of a plentiful reſource, and he reſolved to avail himſelf of it. He preſſed the Nabob to diſcharge his debt to the Company: that Prince pleaded inability: Mr. Haſtings pointed out the jaghires of his parents: the Nabob ſaid he had retrenched even from the delicacies of his table, and from the number of elephants, &c. in his ſtables, and had done every thing to diminiſh his expences and produce ſavings; but over the jaghires of his parents he ſaid he had no power nor authority: Mr. Haſtings inſiſted that he ſhould reſume them, and juſtified the meaſure by the plea of *neceſſity*. This was the plea of *Bagſhot-Heath*.—A highwayman might ſay, "I want money, and muſt have it." He might ſtop a traveller, but diſappointed of his booty, by not finding any money upon him, he might ſay to himſelf, "Is there no houſe in the neighbourhood that I may break open? Are there no rich old ladies whom I may plunder? I am in want of money; it is abſolutely neceſſary to me; and therefore neceſſity being above all law, I muſt have money at all events."

The Nabob was ſo far from having been a willing inſtrument in the hands of the Governor-General on this occaſion, that even after he ſeized the jaghires, he begged he might be at liberty to reſtore them. But on that head Mr. Haſtings had written to the Reſident, "If the Nabob ſhall *ever offer* to "reſtore their jaghires to them, or give "them any property in land, you muſt re"monſtrate in the ſtrongeſt terms againſt it. "*You muſt not* PERMIT *ſuch an event to take* "*place*, until this government ſhall have "received information of it, and ſhall have "time to interpoſe its influence for the pre"vention of it."

The diſtreſſes brought upon the family of the late Nabob Sujah ul Dowlah, in conſequence of the ſeizure of the Begums' jaghires, which deprived theſe Princeſſes of the means of maintaining their offſpring and the ladies and officers of their houſholds, were great beyond expreſſion. Some idea of them might be formed from the following accounts of them ſent to the Reſident, by Captain Leonard Jaques, who commanded the forces on duty, for the purpoſe of diſtreſſing the women in the palaces of Fyzabad.

"The women belonging to the Khord "Mohul, or leſſer palace, complain of their "being in want of every neceſſary of life, "and are at laſt driven to that deſperation, "that they at night get on the top of the "Zenana, make a great diſturbance, and "laſt night, not only alarmed the ſentinels "poſted in the garden, but threw dirt at "them: they threatened to throw them-

" ſelves from the walls of the Zenana, and " alſo to break out of it. Humanity ob- " liges me to acquaint you of this matter, " and to requeſt to know if you have any " directions to give me concerning it. I " alſo beg leave to acquaint you, that I ſent " for Littafit Ally Khan, the Cojah, who has " the charge of them, and who informs me " it is well grounded, that *they have ſold* " *every thing they had, even to the cloaths from* " *their backs, and have now no means of ſub-* " *ſiſting.*"

This letter was written on the 6th of March 1782; but the diſtreſſes of theſe women grew ſo urgent on the night of that ſame day, that Capt. Jaques wrote again the following day to the ſame Reſident in the following words:—" I beg leave to addreſs you " again concerning the women in the Khord " Mohul; their behaviour laſt night was ſo " furious, that there ſeemed the greateſt pro- " bability of their proceeding to the utmoſt " extremities; and that they would either " *throw themſelves from the walls, or force* " *open the doors of the Zenana* (the women's " apartments). I have made every enquiry " concerning the cauſe of their complaints, " and find, from Littafit Ally Khan, that " they are in a *ſtarving condition, having ſold* " *all their cloaths and neceſſaries; and now* " *have not wherewithal to ſupport nature.* " And as my inſtructions are quite ſilent on " this head, I ſhould be glad to know how " to proceed in caſe they were to force the " doors of the Zenana, as I ſuſpect it will " happen, ſhould not ſubſiſtence be very " quickly ſent to them."

Theſe humane letters produced little effect; for, on the 30th of October following, Major Gilpin, who had ſucceeded Captain Jaques in the command of the troops of Fyzabad, wrote as follows to the Reſident.

" Sir,

" Laſt night, about eight o'clock, the " women in the Khord Mohul, or Zenana, " under the charge of Littafit Ally Khan, " aſſembled on the tops of the buildings, " *crying in a moſt lamentable manner for food;* " *that for the laſt four days they had got but a* " *very ſcanty allowance, and that yeſterday* " *they had got none.*—The melancholy cries " of famine are more eaſily imagined than " deſcribed; and, from their repreſenta- " tions, I fear the Nabob's agents for that " buſineſs are very inattentive: I therefore " think it requiſite to make you acquainted " with theſe circumſtances, that his Excel- " lency the Nabob may cauſe his agents to " be more circumſpect in their conduct to- " wards theſe poor unhappy women."

This letter was not more effectual than the others; for the women and children of the late Sovereign, father of the reigning Prince, continuing expoſed to frequent want of common neceſſaries of life, and being ſorely preſſed by famine, they were compelled to break through all the principles of local decorum and reſerve, which conſtitute the dignity of the female ſex in that part of the world; and after great clamour and violent attempts, for one whole day, to break the incloſure of the palace, and force their way into the public market, in order to move the compaſſion of the people, and to beg their bread; and on the next day they actually proceeded to the extremity of expoſing themſelves to public view—an extremity, implying the loweſt ſtate of diſgrace and degradation; to avoid which many women in India have laid violent hands upon themſelves.—And they proceeded to the public market-place, with the *ſtarving* children of the late Sovereign, the brothers and ſiſters of the reigning Prince.—This appeared from a minute account written to the Reſident at Lucknow, by the perſon appointed to convey intelligence to him from Fyzabad; an account containing matters highly diſgraceful to the honour, juſtice, and humanity of the Britiſh nation.

Here Mr. Pelham read the following account:—

" The ladies, their attendants, and ſer- " vants, were ſtill as clamorous as laſt night. " Littafit, the Daroga, went to them, and " remonſtrated with them on the impro- " priety of their conduct; at the ſame time " aſſuring them, that in a few days all their " allowances would be paid; and ſhould that " not be the caſe, HE would advance them " ten days ſubſiſtence, upon condition that " they returned to their habitation. None " of them, however, conſented to his pro- " poſal, but were ſtill intent upon making " their eſcape through the Bazar (the mar- " ket-place); and, in conſequence, formed " themſelves into a line, and arranged them- " ſelves in the following order: the chil- " dren in the front; behind them, the ladies " of the ſeraglio; and behind them again, " their attendants; but their intentions were " fruſtrated by the oppoſition which they " met from Littafit's ſepoys.

" The next day Littafit went twice to the " women, and uſed his endeavours to make " them return into the Zenana, promiſing " to advance them ten thouſand rupees, " which, upon the money paid down, they " agreed to comply with. But night coming " on, nothing tranſpired.

" On the day following their clamours " were more violent than uſual. Littafit went " to confer with them upon the buſineſs of

" yeſter-

" yeſterday, offering the ſame terms. De-
" pending upon the fidelity of his promiſes,
" they conſented to return to their apart-
" ments, which they accordingly did, ex-
" cept two or three of the ladies, and moſt
" of their attendants. Littafit went then to
" Hoſſmund Ally Khan, to conſult with
" him upon what means they ſhould take.
" They came to a reſolution of driving them
" in by force; and gave orders to their ſe-
" poys to beat any one of the women who
" ſhould attempt to move forward. The
" ſepoys conſequently aſſembled, and each
" one being provided with a bludgeon, they
" drove them by dint of beating into the
" Zenana. The women ſeeing the treachery
" of Littafit, proceeded to throw ſtones and
" bricks at the ſepoys, and again attempted
" to get out; but finding that impoſſible,
" from the gates being ſhut, they kept up a
" continual diſcharge of ſtones and bricks till
" about ten o'clock, when finding their
" ſituation deſperate, they retired into the
" Kung Mohul, and forced their way from
" thence into the palace; and diſperſed them-
" ſelves about the houſe and garden. After
" this, they were deſirous of getting into the
" Begum's apartment; but ſhe being ap-
" priſed of their intention, ordered her doors
" to be ſhut. In the mean time, Littafit
" and Hoſſmund Ally Khan poſted ſentries
" to ſcour the gates of the leſſer Mohul.
" During the whole of this conflict, all the
" ladies and women remained expoſed to
" the view of the ſepoys. The Begum then
" ſent for Littafit and Hoſſmund Ally Khan,
" whom ſhe ſeverely reprimanded, and in-
" ſiſted upon knowing the cauſe of this in-
" famous behaviour: they pleaded, in their
" defence, the impoſſibility of helping it, as
" the treatment the women had met with
" had been conformable to his Excellency
" the Vizier's orders. The Begum alledged,
" that even admitting that the Nabob had
" given thoſe orders, they were by no means
" authoriſed in this moment to diſgrace the
" family of Sujah ul Dowlah; and ſhould
" they not receive their allowance for a day
" or two, it would be of no great moment;
" what was paſſed was now at an end;
" but that the Vizier ſhould certainly be
" acquainted with the whole of the affair.
" She then gave the children 400 rupees, and
" diſmiſſed them, and ſent word by Jumrud
" and the other eunuchs, that if the ladies
" would peaceably retire to their apartments,
" Littafit would ſupply them with 3 or 4000
" rupees for their perſonal expences, and
" recommended to them not to incur any
" further diſgrace. The ladies followed her
" advice, and about ten at night went back
" to the Zenana. The next morning the
" Begum waited upon the mother of Sujah
" ul Dowlah (the grandmother of the reign-
" ing Prince) and related to her all the cir-
" cumſtances of the diſturbances: the mother
" of Sujah ul Dowlah returned for anſwer,
" that after there being no accounts kept of
" *Crores* of revenues, ſhe was not ſurpriſed
" that the family of Sujah ul Dowlah, in
" their endeavours to procure a ſubſiſtence,
" ſhould be obliged to expoſe themſelves to
" the meaneſt of the people. After bewail-
" ing their misfortunes, and ſhedding many
" tears, the Begum took her leave, and re-
" turned home."

This narrative of diſtreſs, occaſioned by the poverty of the Nabob, and the ſpoiling of his parents, both of which had their riſe in the rapacity of the Governor-General, was ſent to him on the 29th of January follow-ing; but he neither ordered any relief in con-ſequence of it, or took any notice whatſo-ever of the intelligence he had received on the ſubject. In his Defence, indeed, he had ſaid, that he was not bound to protect theſe people; but if he had any humanity, he would have uſed his influence, which was all-powerful in Oude, to relieve the diſtreſſes which he himſelf had occaſioned.

With this narrative, and ſome few obſer-vations upon it, Mr. Pelham concluded a ſpeech, which he was three hours in deli-vering.

Mr. Sheridan roſe on the heels of Mr. Pel-ham, and ſtated an arrangement or two of order he ſhould wiſh to adopt, in the pro-duction of evidence on the charge now opened. The more material point of his propoſed arrangement was to print, with the participation of the Priſoner's Counſel, who nodded conſent,—*not* the whole of any volu-minous tract exhibited in evidence, as the Benares Narrative, &c.—*but* only the parti-cular point, or partial extract, ſtrictly rele-vant, and cloſely applying.

Major SCOTT

was then called—and was examined chiefly by Mr. Sheridan;—yet not only by him, but by Mr. Fox, Mr. Burke, and Mr. Adam.

The Peers who propoſed each two queſ-tions were, Lord Stanhope, Lord Derby, Lord Stormont, Lord Portcheſter, and Lord Loughborough.

The printed anſwer to the Benares charge was ſhewn to the Major, to prove it was written by Mr. Haſtings.

His evidence went to prove it was written by Mr. Halhed—That Mr. Haſtings might ſee or hear it, *though in a way the moſt curſory*, the night before it was to be delivered—and that, before it was delivered to the Houſe, ſeveral paſſages were added, and ſtill exiſt on

the *recorded copy*, in the hand-writing of Mr. Halhed!

That theſe additions Mr. Haſtings did not, becauſe he could not ſee them; and theſe additions include arguments thought moſt exceptionable. The ſpecific pages, as 13, 24, &c. of the octavo, were thus noted by him with a pen and ink.

Major Scott further proved—That it was not only in the Benares charge that ſuch a ſeparation was to be made—but in every charge except two, the anſwers were ſupplied, *in the hurry of the five or ſix days preſcribed*, by various friends of Mr. Haſtings.

Theſe friends are as follow:

Mr. Shore, one of the Supreme Council,
Mr. David Anderſon,
Major Gilpin,
Mr. Baber,
Mr. Middleton,
Mr. Martin,
Mr. Benn,
Major Scott himſelf,

with Mr. Halhed, before-mentioned as the writer of the Benares charge.

Theſe, with other gentlemen, friendly enough thus to communicate, had furniſhed the anſwers to all the 22 charges.

The two exceptions were, the anſwers to the Rohilla war—and the King's tribute.—Theſe, as then being the queſtions *thought to bear the moſt ſtreſs*, were anſwered by Mr. Haſtings himſelf!—To theſe he alſo added the General Introduction.

Before this evidence was thus detailed, there was a ſhort altercation on its introduction; and the Counſel of Mr. Haſtings argued very ſucceſsfully this undeniable plea:—"That in a criminal proſecution, it is the "right according to all legal policy and hu"mane expedience, of every perſon crimi"nally charged, to review any declaration or "confeſſion that may have eſcaped him; "and in any mode of mitigation, if he can, "to illuſtrate and explain;—with the aid, "collateral or direct, of all thoſe motives, "whether of fact or argument, which might "have induced him ſo to deliberate, or ſo "to do."

Mr. Law well referred to the caſes of Selden and Sir J. Elliot. Mr. Plummer uſed dexterouſly the familiar inſtance of confeſſions before a Juſtice of the Peace; and Mr. Dallas was following at a good rate, when he was ſtopped in the beſt way, by the point being carried.

The clock was near ſix, when the Court adjourned *.

Sixteenth Day.

Thursday, April 17.

The Peers aſſembled at the uſual hour.

Mr. Sheridan informed the Court, that the firſt evidence whom it was propoſed to call on, was

Mr. HOLT,

a gentleman who had been long Reſident in the Province of Oude; and whoſe evidence, from his official ſituation, would apply to ſome other charges beſide that which was now to be proved.

The Counſel for Mr. Haſtings deſired to know to which of the future charges the evidence of Mr. Holt was to be applied.

Mr. Sheridan anſwered, that in a buſineſs ſo complicated, and of which the parts were ſo intimately interwoven with each other, it was not poſſible to aſcertain in what part of the buſineſs any ſpecific evidence might be deemed neceſſary to the proſecution.

Mr. Holt was called—

His evidence in part applying to this charge, and to another.—If there was ſome ſmall irregularity in this mode, it was none but what humane expedience would approve; for otherwiſe Mr. Holt, who is a uſeful ſervant of the India Company, would have loſt his voyage.

Mr. Holt was an aſſiſtant to Mr. Middleton and Mr. Briſtow, when Reſidents at Oude; and he was called to exhibit what teſtimony he could, as to the *diſorders* of Lucknow—and how far they were or were not conceivable to exiſt, with the *cognizance* of Mr. Haſtings.

For this purpoſe he was examined, not only as to facts, but opinions—what, on certain topics, was the rumour, and the ſuppoſed rumour, among the people?

This Mr. Burke and Mr. Sheridan, in few words, maintained to be expedient, and very potently applying: Mr. Law, in words yet more few, obſerved to be new doctrine as to evidence, but which he admitted; claiming only a reciprocal right to advance on hearſay, in his turn.

Mr. Sheridan, in the outſet, called on Mr. Holt for a narrative of the country; its political and phyſical circumſtances.

Mr. Holt very neatly waved his attempt of ſuch a taſk;—as in a country like that, as large as our iſland, he might eaſily want words at leaſt, if not ſentiments, to expatiate. He begged therefore the Hon. Manager to break the maſs of his general enquiry into particular queſtions, which he would try to anſwer as well as he could.

* The auditory were rather leſs numerous, and rather more unquiet, from colds and coughs, than ever we heard before.—The Peereſſes were few; and the Commons not fifty, till paſt three o'clock—when, by the luckieſt *accident*, they came in great numbers.

In

In the courſe of this examination, he ſtated the local diſtreſſes to have ariſen from the influence of bad ſeaſons, and unfavourable government—That there had been remiſſions of tributs—That in reſpect to puniſhments, ſome were corporal, with a thong—That impriſonment was in forts, and in open ſquares, incloſed with bamboo canes.—That the ſun might happen to be unpleaſant—That he had *heard* Col. Hannay died worth 30 lacks, or 300,000l.—That he had *heard* moſt of the money was remitted to Calcutta, ſome in goldpores, ſome in other forms—That the people of that country ſometimes ſold their children—which had been attempted to be ſtopped.

The great object attempted, by adducing the evidence of Mr. Holt, ſeemed to be, to prove the influence which Mr. Haſtings held over the Nabob. How far this was proved, it is not for us to ſay—for us to determine.

It appeared, however, on the croſs-examination of Mr. Holt by Mr. Law, as Counſel for the defendant, that if the police in many of the towns was bad, it was not Mr. Haſtings who prevented any of the proper proceedings of the Courts—That as *to indirect interference*, it was uſual for the Reſidents occaſionally to interfere in the Nabob's government.—That the taxes were always collected under an Aumeel giving directions to a military force—That Major Oſborne had been employed on this duty; but that no complaints had been, or could be, made againſt his conduct in that duty.—That Doctor Thomas, who had a ſalary from Government, was the ſurgeon to the Vizier; and a great favourite with him, on account of that *ſkill* the Vizier had found neceſſary to have recourſe to.

Mr. Holt was examined—re-examined—croſs-examined—and re-croſs-examined, for the ſpace of *five hours!* by Meſſrs. Sheridan, Burke, Adam, and one queſtion was ventured on by Major Pelham:—Then, on the other ſide, by Mr. Law and Mr. Plummer—through every part of which he ſpoke with plainneſs, preciſion, and diſtinguiſhed good ſenſe.

The Court put different queſtions to Mr. Holt, on the ſubject of finding out the knowledge which Mr. Haſtings might have of different tranſactions; but which was not proved in the affirmative.

Mr. Holt, in the courſe of his evidence, gave a very curious deſcription of the Nabob's cavalry:—their uniforms being frequently coats without ſleeves, and ſleeves ſewed to half a ſhirt.

Mr. Burke made ſome obſervations on the Defence delivered in by Mr. Haſtings as his own. He declared "he now knew not what "to call it:—whether his legitimate or his "natural child:—whether it was his by "adoption; or, whether it had been *tied at "his knocker*, and fathered by him out of "charity!"

In the courſe of the various diſcuſſions which aroſe from the objections of Mr. Haſtings's Counſel, the Lord Chancellor concluded an obſervation, by ſaying, "that he "felt himſelf reſponſible to that High Court "for every opinion he ſhould deliver, and "for every other part of his conduct."—Mr. Burke replied, by admitting the reſponſibility: but declared, at the ſame time, that the Managers of the Houſe of Commons, from the whole of his Lordſhip's conduct, had felt the moſt perfect ſatisfaction.

At five o'clock, the evidence of Mr. Holt being concluded, the Court adjourned.

SEVENTEENTH DAY.

TUESDAY, APRIL 22.

The Court being met ſoon after twelve o'clock, Mr. Burke ſtated, that Mr. Holt not being on his departure to India, it was wiſhed to have him called again, for his anſwer to a few queſtions. The queſtions would be very few, Mr. Burke ſaid—but very important.

The Counſel of Mr. Haſtings not oppoſing, and the Chancellor nodding conſent, Mr. Holt re-appeared.

He was examined by Mr. Burke—he was croſs-examined by Mr. Law—in a manner to each examiner equally reputable; both for pertinence of drift, and perſpicuity of expreſſion.

The leading points illuſtrated by his evidence was, that in Oude there was ſome local reſtraints on the commerce and manufacture of the country—That Mr. Scott had a monopoly of cloth—but that the propoſed gain, from theſe reſtrictions, was veſted in the treaſury of the Company.

This evidence Mr. Holt gave with perfect fairneſs and ready intelligence—anſwering very neatly, not only the Manager and the Counſel, but Lord Portcheſter, Lord Suffolk, Lord Kinnaird, and Lord Stanhope, to a queſtion or two from each.

Colonel Hannay's fortune was again mentioned by Mr. Burke—and Mr. Holt having ſaid from *hearſay*, that perhaps eight or ten people might have told him, in caſual talk, that Mr. Hannay's fortune was rumoured at 30 lacks of rupees, he was aſked, whether he ſuppoſed thoſe eight or ten people were the only people who ſo talked of the rumour in queſtion?

had ſaid in his Defence, that he had forgot many of the tranſactions alluded to in the Charge, and many he had never heard of till he read them there; that he was indebted to the recollection of Mr. Middleton and others for the aſſiſtance they had given him in framing his anſwers to the ſeveral articles of the Charge, and that their evidence would throw new light upon the ſubject. Mr. Sheridan ſaid, he had one remark to make on this, which was, that a man who could be aiding and aſſiſting in drawing up the defence of the accuſed, could not, properly ſpeaking, be called the witneſs for the proſecution, though he ſhould be produced by the Managers. Having premiſed this, he deſired that Mr. Middleton might be called in.

Mr. MIDDLETON.

Examined by Mr. SHERIDAN.

Mr. Sheridan made very neatly a ſhort preliminary obſervation upon evidence: That "he hoped in every thing with which he "troubled their Lordſhips, to be ſomewhat "efficient and progreſſive. That ſome "forms, no doubt, were indiſpenſible, and "none probably more expedient than thoſe "of the Common Courts. But ſtill even "theſe muſt be relaxed, or perhaps aban-"doned, if neceſſary, to produce Truth, and "atchieve the leading purpoſes of Juſtice."

This general reflection being cloſed, with particular reference to the caſe of Mr. Middleton—Mr. Law very dexterouſly "waved "any opinion on the queſtion in the *abſtract*, "but ſaid he ſhould reſerve himſelf; and if "any queſtionable point came up, he ſhould "then, but not till then, intrude on their "Lordſhips, for the allowance and aid they "might find fitting to grant him."

Mr. Sheridan's firſt interrogatories went to this effect—That Mr. Middleton had been at Drapers' Hall, and was examined two or three times—by the Agents and Counſel of Mr. Haſtings.

On croſs-examination from Mr. Law, it was alſo proved, "That Mr. Middleton had been alſo previouſly examined "by *the other* "*ſide*, both at the India Houſe and in the "Committee; that he had been often turn-"ed out of the room, and once left in it "with only Mr. Francis and a Clerk; that "he had received language that had intimi-"dated him—but what, he could not "ſpecify."

In regard to the printed Defence of Mr. Haſtings, Mr. Middleton ſaid, "he did not "write any particular part—but merely "*ſupplied ſome hints* to Major Scott."

Mr. Law, in this ſtage of the curious examination, with much manlineſs and diſcretion, briefly gave a Vindication of Profeſſional Honour—proving by teſtimony, that when it was thought proper for Mr. Middleton's conduct to be directed by Counſel, he (Mr. Law) and his colleagues in the cauſe would no otherwiſe communicate with Mr. Middleton, than to tell him to *get advice elſewhere*.

This explanation was cloſed with much ſatisfaction by a few words from Mr. Sheridan, "in full acknowledgement of the "learned Counſel's perfect honour."

Mr. Middleton was aſked, if he had ſigned any treaty, by which he had pledged himſelf to procure the elder Begum certain ſpecified terms from the Nabob? He anſwered, that he had.—He was aſked, if he had any direct authority from the Governor-General, or Council, for ſigning ſuch a treaty? He replied in the negative; but ſaid, at the ſame time, that as he was ſent into Oude to compoſe ſome differences between the Nabob and his mother, he thought that in ſigning the treaty above-mentioned he was acting officially.—He was aſked, if he had ſigned the treaty a copy of which was produced, and purported to be under the ſeal of the Nabob, and the ſeal and ſignature of Mr. Middleton? [N. B. The Nabob never *ſigns*, he only *ſeals*.] He replied, that he *did not recollect*.—Had the Nabob ſet his ſeal to it? *He did not recollect*.—What had he done to diſcharge the obligation he had taken upon himſelf to procure for the Begum the terms which ſhe aſked? *He did not recollect*.—Were theſe terms ever granted and ſecured by treaty? *He did not recollect*.—Had any thing been done by him in conſequence of his obligation? *He did not recollect*.—Had the treaty which he was bound to procure entirely failed? *He did not recollect*; but he was rather inclined to think that it had, and that the inſtrument which purported to be an engagement ſealed by the Nabob, and ſigned and ſealed by himſelf (Mr. Middleton), was a draft of a treaty prepared for ſigning, but not ſigned.—This paper, it ſeems, had no date; upon which Mr. Law, the Counſel for the priſoner, aſked him if he had ever heard of a treaty without a *date?* He replied, that he had not. Upon this Mr. Sheridan aſked him, if the conditional treaty which he acknowledged he had ſigned with the Begum bore any date? He replied, that it did not.—Then, ſaid Mr. Sheridan, how can you ſay you never heard of a treaty without a date?

He was aſked, if he had ſent to Calcutta the paper which he did not recollect he had ſigned? He did not recollect, but he believed he had not; if he had ſigned it, he muſt have ſent it, becauſe it would have been his duty ſo to have done.—He was aſked,

If

if he ſent every paper to Calcutta which it was his duty to ſend? He begged, that as this queſtion might have a tendency to criminate him, he might be excuſed from anſwering it.—The Court granted his requeſt. Being aſked, what he thought of the paper which he was of opinion had been prepared for ſigning, but had not been executed? he replied, that he thought it the ſame in ſubſtance with that which he had ſigned with the Begum.

Lord Loughborough aſked, if he was not now aware that there was an *eſſential* variance in the one from the other. He ſaid he was. His Lordſhip then aſked, how he could ſtill think them the ſame in ſubſtance? *He could not tell.*

Lord Stormont obſerved, that a man employed in an important negociation might, after the lapſe of years, forget what parts had been admitted, and what rejected; but he wiſhed to know, whether the witneſs was of opinion, that any man ſo employed could forget whether his negociation had ended in *any* treaty or *not?* Mr. Middleton replied, that he was of opinion he might; for he himſelf had forgot what had been the event of his negociation with the Nabob.—Many other queſtions were aſked by the Managers and by noble Lords; but Mr. Middleton ſaid, his recollection, after a period of ten years, was very imperfect, *and he had never ſince refreſhed his memory on the ſubject.*

At a quarter paſt ſix the Court adjourned.

Nineteenth Day.

Thursday, April 24.

The Court having aſſembled before twelve o'clock, a variety of papers extracted from the Secret Conſultations were read for the purpoſe of proving the ſituation of the Nabob of Oude in 1780; his diſtreſſes, even after the reduction of his houſhold; his propoſal to tax the incomes of the various Jaghidars in his diſtrict, and the reluctance which he expreſſed to the incluſion of the Begums in this meaſure.—Some of his appeals were ſingularly pathetic:—"I prefer "the intereſts of my friends," ſaid he, "even to life itſelf; but what can I do in "my preſent ſituation? I have houſes, ele- "phants, and cattle;—if theſe will ſuffice "for the payment of my debt, take them; "—if there be found any uncollected reve- "nue, you may receive it without oppoſi- "tion.—I have diſcharged my old ſervants, "I have contracted my expences; but in a "ruined country, and from the failure of the "laſt harveſt, it is impoſſible for me to "comply, in the manner ſtated, with your "demands."

The Managers deſired that

Mr. PURLING

ſhould be called in.

This gentleman ſtated, that he had been Reſident at the Court at Lucknow, and had preſſed the Nabob to tax the jaghires for the purpoſe of finding means to liquidate his debt with the Company. The Nabob told him, that it was not in his power to tax the jaghires, at leaſt ſuch of them as were poſſeſſed by his mother and grand-mother, as he had entered into treaties with them both, by which he had bound himſelf to leave them the undiſturbed poſſeſſion of all their real or perſonal property, renouncing, at the ſame time, all claim upon either, and all right to make any claim; and that thoſe treaties were guaranteed by the Engliſh. That, as a proof of this, the Nabob cauſed copies of theſe two treaties to be delivered to the witneſs, one of which bore the ſignature of Mr. Briſtow, the other of Mr. Middleton; the former was put to the treaty with the younger Begum, the latter to that with the elder. This latter treaty was that which Mr. Middleton could not recollect yeſterday that he had ever ſigned. But ſo ſatisfied was Mr. Purling that they were authentic copies of ſubſiſting treaties under the guarantee of the Company, that he ſent them to Calcutta, and ſtated them to have induced him to deſiſt from importuning the Nabob to tax the jaghires included in the guarantee. Mr. Middleton was at Calcutta when Mr. Purling ſent thither the copies of the treaties; and though Mr. Haſtings had an opportunity of making enquiries from Mr. Middleton at that time, about the authenticity of this latter treaty, Mr. Purling never had any doubt expreſſed to him in his official diſpatches from Calcutta on the ſubject.

The next witneſs called was, for the ſecond time,

Mr. MIDDLETON.

Examined by Mr. Sheridan.

He was again referred to the Treaty of 78, which he did not *perfectly recollect:* That he was *almoſt certain* that the Bow Begum was always conſidered as being under the immediate protection of the Eaſt-India Company, which was the reaſon, *he thought*, for his undertaking her cauſe. That he had *refreſhed his memory* by looking over the Minutes for about a quarter of an hour that morning; but that he was nearly certain he might have had acceſs to them at any time: That as to the Treaty, he conſidered it as a regular engagement; but could not *exactly ſay* how; and certainly did not remember poſi-

tively ſigning the Treaty at all;—*if* he did ſign it, it was merely as a witneſs, to make it an inſtrument, but without any authority from Government.

Amongſt other happy queſtions, was the following to him:

"Did he recollect any circumſtances that "*made him forget* one Treaty more than an-"other?"

To which the following *oracular anſwer* was given:—

"Spoke from *probability*—without the "*leaſt recollection!*"

Mr. Middleton then proceeded in the ſame perſpicuous manner. He thought he had heard ſomething of the intended impeachment of Mr. Haſtings by the Houſe of Commons—but was not certain.—Had furniſhed Major Scott with the materials for the anſwer to one charge, and had read it, but did not entirely recollect the contents of it.—Went *by accident* to Drapers' Hall; but had received a note from Major Scott, deſiring him to call there, in his way into the city, which he did—by accident. This was while Mr. Haſtings was in Scotland, and his Defence was preparing. Whether he went with Major Scott to Drapers' Hall—Could not recollect.

After Meſſ. Sheridan, Burke, and Adam, had ſufficiently waſted this evidence, and for which his extreme confuſion and embarraſſment gave ſufficient occaſion, he was permitted to retire,

To ſay the truth, Mr. Middleton ſeemed to have brought nothing to a certainty. "*I will not be ſure theſe are my hands,*" might have been his motto; and this air of total uncertainty threw a ridicule over his manner and character, which we hear from all quarters he by no means merits.

The Managers proceeded next to give evidence in ſupport of that part of the charge which relates to the removal of Mr. Briſtow, the Reſident appointed by the orders of the Court of Directors to the Vizier's Court; his re-appointment by the ſpecial command of the Directors; and his final removal by Mr. Haſtings, to make way for a creature of his own, in whom he could confide, and by whom his orders would be punctually obeyed.—Mr. Sheridan obſerved to the Lords, that they would find that when Mr. Haſtings thought Mr. Middleton would be a Reſident entirely to his mind, he was not miſtaken in his man.—Written evidence was given on this ſubject, conſiſting of letters of credence given to Mr. Middleton for the Nabob, his *mother*, Hyder Aly Khan, &c. From theſe *letters it was, that* Mr. Sheridan ſaid the *Managers would prove*, that Mr. Haſtings had ſo compleatly taken upon himſelf all reſponſibility for the government of Oude, that the acts of Mr. Middleton muſt in fairneſs and neceſſity be imputed to Mr. Haſtings.

Early in the day, Mr. Burke informed the Court, that Mr. Goring wiſhed to correct a miſtake in the evidence he gave before their Lordſhips on Tueſday. Mr. Goring was called in, and ſaid, that when he appeared laſt before the Court, he had ſaid, that when he was at Muxadavad, the Court of the Nabob of Bengal, the widow of the Nabob Surajah Dowlah had not taken any notice, until he had his audience of leave, of the power with which he had informed her he was veſted, of removing her forcibly, if ſhe ſhould endeavour to obſtruct the negociation on which he was then employed. In fact, ſhe did take notice of it at the time, and expreſſed her concern at it; but he at the ſame time deſired ſhe would not be alarmed, for he would not think of diſturbing her, or making any uſe of his power, except in caſe of neceſſity: it was at his audience of leave that ſhe told him, ſhe would have put herſelf and all the ladies to death, if he had attempted to remove them by force.

He was aſked, by the Counſel for Mr. Haſtings, if he was ſure that there was, at the time of which he was ſpeaking, ſuch a lady in exiſtence, as the widow of Surajah Dowlah, Nabob of Bengal? He replied, that after he had paid his reſpects to moſt of the people of rank in the capital, he received an invitation from an eunuch, calling himſelf the ſervant of the widow of Surajah Dowlah; that he accordingly waited upon her, and found her living in great ſplendour in a magnificent palace. He could not, of his own knowledge, ſay whoſe widow ſhe was; but ſhe lived like a Princeſs, had a princely train of ſervants, and a very grand palace of great extent; gave him a moſt magnificent entertainment, and offered him great preſents, which he refuſed, as well as all the other preſents that were offered to him during his ſtay at Muxadavad. He reſided in that city for upwards of three months after his introduction to her, and had never heard any one ſo much as hint that ſhe was not the widow of Surajah Dowlah.—Being examined reſpecting his power of removing the Begum, he ſaid it was full and explicit; but as it was diſcretionary, he certainly would not have put it in force without very ſtrong reaſons; nay, he believed he would on no account have exerciſed it.

The Court roſe at half paſt five o'clock, and adjourned to the Tueſday following.

Tues-

TWENTIETH DAY.
TUESDAY, APRIL 29.

Much *written* evidence was received by their Lordſhips, and ſome *oral* evidence was given by Mr. Middleton, who underwent a very long examination. Many queſtions were put to him about the effect of a Britiſh Reſident's ſignature to a treaty between two native Princes, or powers, in India. He ſaid, that if the Reſident ſigned a treaty, in conſequence of power given to him by the Supreme Council ſo to do, his ſignature would amount to a guarantee, and bind the Company; but if he ſigned it merely in a private capacity, then his ſignature would NOT bind the Company to guarantee the treaty.

The Managers' reaſon for examining the witneſs upon this point was, that he had ſigned a treaty between the Nabob Vizier and the Begums, his mother and grandmother; and this ſigning was conſtrued by the Managers to be equivalent to a ſigning by the Governor-General and Council, whoſe agent Mr. Middleton was, when he was at the Court of the Vizier, in the character of the Company's Reſident.

He was aſked, if it was uſual for him to produce his powers, whenever he ſigned a treaty, ſo that the parties who required his ſignature might know whether he ſigned in his public or his private capacity? He replied, that it would be uſeleſs for him to produce his powers, becauſe the natives could not underſtand them; but he preſumed that he generally ſtated to the parties concerned what were his powers. He ſaid, that when he put his name to the treaty between the Nabob Vizier and his mother, he bound the Company, becauſe he had ſufficient powers to treat with her and for her; but he did not think that when he ſigned the treaty relative to the elder Begum, he in any degree bound the Company, becauſe he did not conceive that he had any powers relative to the elder Begum ſo to do. He was aſked, if the Princeſſes were aware of the diſtinction between his public and private capacity, at the time he put his name to their treaties? He ſaid he could not tell.—He was aſked, whether, when they required his ſignature, for the purpoſe of binding the Company by it, they would have fought it at all, if they were told it would not, without a ſpecific power for that purpoſe, actually bind the Company? He replied, he could not tell.—He was aſked, if he had ever told the elder Begum, that he had no power to pledge the Company, by his ſignature, to guarantee the treaty to which he ſet his name? He replied, *that he believed he had* not.—He was *aſked, if he had wrote to the* Governor and Council, that he would not proceed further in the treaty between the Nabob and the Begums, without having firſt applied to the Board for advice? He anſwered in the affirmative.—He was aſked, whether he had not ſigned that treaty without aſking the advice of the Council, notwithſtanding his aſſurances to the contrary? This queſtion he anſwered alſo in the affirmative.—The Managers then aſked, if he had been reprimanded by the Board for this breach of promiſe? He ſaid he had not.—He was aſked, if he knew any inſtance of a native Prince doubting that the Reſident's ſignature to a treaty was not equivalent to a guarantee on the part of the Company? He ſaid he did; for the younger Begum had ſent to Calcutta to have her treaty ſigned by Mr. Haſtings, after it had been ſigned by the witneſs, then Reſident at Lucknow.—He was aſked, if the elder Begum had ever taken ſuch a ſtep, or ever expreſſed the leaſt doubt of the Reſident's ſignature being equal to a guarantee of the Company? He replied, that certainly ſhe had never taken any ſuch ſtep, or done any thing that indicated a doubt of the Company's being bound by the ſignature of the Reſident.—Mr. Sheridan aſked, if he had always been of opinion, that a Reſident's ſignature amounted to a guarantee only when he had ſpecific powers given to him for that purpoſe? He ſaid, he believed he had.—Here Mr. Sheridan thought it neceſſary to refreſh his memory, by aſking him, if he had ever declared any where, that the bare ATTESTATION of Sir Robert Barker to a treaty between two native Princes, had been deemed and received as equivalent to the Company's guarantee? He anſwered in the affirmative. His reaſon for entertaining the opinion contained in that declaration was, that Sir Robert Barker was in a very high ſtation, being Commander in Chief.—Mr. Sheridan aſked him, if he had always been of opinion, that Princes requiring the ſignature of a Britiſh Reſident to a treaty to which the Engliſh could not be parties, unleſs they were to be conſidered as guarantees, might call upon ſuch Reſident to produce the powers under which he acted, that it might be known whether he ſigned with or without authority, and, conſequently, whether the Company were or were not to be made guarantees by his ſigning? He replied, that he uſually mentioned that he had powers (when it happened to be the caſe) to bind his principals by his ſignature.—A letter was then produced, written by himſelf, which ſtrongly expreſſed his reſentment that Fyzoola Khan, the Rohilla Chief, ſhould have queſtioned his power to bind the Company by his ſignature to a treaty between the Vizier and Fyzoola Khan.

Khan.—He acknowledged that the letter had been written by him.

Mr. Sheridan ſeveral times commented upon the anſwers given by the witneſs. This made Mr. Law, one of the Counſel for Mr. Haſtings, requeſt, that the Honourable Manager would not make his comments whilſt the witneſs was preſent—for they would make a confuſed perſon ſtill more confuſed, and ſhake the confidence of the moſt confident: and therefore he begged that, even for the ſake of humanity, he would wait till the witneſs ſhould have withdrawn, before he would make any more comments.

Mr. Sheridan ſaid, the Managers were very far from being deficient in humanity; if they had, the manner in which the witneſs gave his evidence, would have made them complain of it to the Houſe, and he made no doubt, but, if they had ſo complained, their Lordſhips would readily have taken the conduct of the witneſs into conſideration.

Mr. Sheridan then examined Mr. Middleton relative to the condition of the Nabob's finances, and the preſent of ten lacks, or 100,000l. made by that Prince to Mr. Haſtings. The witneſs ſaid, that previous to the interview between the Nabob and Mr. Haſtings, at Chunar, the former was ſo low in point of finances, that he had never known him poorer: the witneſs negociated a loan of ten lacks for him, on his own (Mr. Middleton's) credit, when the Nabob's credit was not ſufficient to raiſe ſuch a ſum among the bankers. The aſſignments which the Reſident had upon the revenue of Oude, and the claims which he was urging in behalf of the Company, and for which he was preſſing the Nabob to grant him more aſſignments, would cover the whole revenue of the country, and would not leave free even the annual allowance for the ſupport of the Nabob's Houſehold.—The Prince wanted to get rid of many expenſive eſtabliſhments, that lay very heavy upon his treaſury. Theſe eſtabliſhments were formed chiefly of Engliſh, and Mr. Haſtings had conſ cated to the ſuppreſſion of the eſtabliſhments, and to the diſmiſſion of the Engliſh gentlemen; but the Nabob had not money to pay them what was due to them, or credit to raiſe it. This was the time when Mr. Middleton borrowed the ten lacks upon his own credit, and the money ſo borrowed was for the purpoſe of paying the Engliſh gentlemen, and ſo eaſing the Nabob's revenue of many heavy eſtabliſhments. It was about this time that the Nabob and Mr. Haſtings met at Chunar: Mr. Middleton was there alſo, and employed occaſionally by Mr. Haſtings in treating with the Nabob. It was at this period, when the Prince was ſo very diſtreſſed, that he made Mr. Haſtings a preſent of ten lacks, or 100,000l. ſterling. The witneſs did not hear of that preſent at Chunar, where it was made, or even in India, nor until he arrived in England.—He was aſked by Mr. Sheridan, whether it would have been poſſible that the receipt of ſuch a preſent could have been concealed from him, who was negociating between the two parties, if much management had not been uſed for the purpoſe of keeping it from his knowledge? He replied, that certainly it muſt have reached his ears, if great care had not been taken to prevent it. The preſent, he was ſure, was not made in MONEY, becauſe ſuch a ſum could not be conveyed to Chunar without his knowledge. It appeared from Mr. Haſtings's own account of the preſent, that it was made in bills upon bankers; ſo that the Nabob, who had not credit enough to raiſe 100,000l. in the capital of his dominions, for the purpoſe of relieving his revenue from burdenſome eſtabliſhments that impoveriſhed him, was able, his diſtreſſes apparently continuing the ſame, to raiſe that ſum at Chunar for the purpoſe of preſenting it to Mr. Haſtings for his own private uſe. The Counſel for Mr. Haſtings not denying the receipt of the preſent, wiſhed to ſhew that Mr. Haſtings was ſo preſſed for money for the public ſervice, the Company's troops mutinying for want of pay, that he was warranted by the moſt preſſing neceſſity to receive a ſum of money which might be the abſolute ſalvation of the Company, to whoſe uſe he applied the preſent that was given.—The witneſs ſaid, he had heard of mutinies among the troops, and their deſerting their officers, becauſe they were not paid; and he inſtanced particularly Capt. Williams, who had been ſo deſerted: but he could not tell whether many months arrears were due to the troops at that time, at Chunar, with Mr. Haſtings: it was uſual to keep all the ſepoys ſome time in arrear.

On the other hand, it was proved by an official letter, that if the Nabob could raiſe money to pay the arrears of troops, and prevent mutiny, he could employ it at home, without making preſents; for it appeared, that the Prince's own cavalry roſe upon him, and attempted to ſtorm his palace, becauſe their pay was eighteen months in arrears.

Mr. Sheridan aſked the witneſs, if he had never heard of an offer made to Mr. Haſtings of a ſecond preſent, of the ſame amount as the former? He begged he might be permitted to decline anſwering that queſtion; for he ſaid, that as he had been accuſed of having offered Mr. Haſtings a bribe of 100,000l. in the name of the Nabob, he would not wiſh

wiſh to ſay any thing that might criminate himſelf. Mr. Sheridan obſerved, that as he was not charged with having actually given, but with having OFFERED a preſent, he would not criminate himſelf by his anſwer to the queſtion. The witneſs ſtill declined giving an anſwer; and the Managers ceaſed to preſs him, particularly as the Lord Chancellor obſerved, that if it was criminal in Mr. Haſtings to receive the preſent, it would be criminal in the witneſs to offer it.

Mr. Middleton was alſo examined with reſpect to a private letter from him to the Governor-General, in which he offered to write another letter, with different accounts of tranſactions, if the public letter which accompanied the private one ſhould happen not to meet the Governor's approbation. The witneſs admitted that the letter had been written by him.

The Court adjourned a quarter before ſix o'clock.

TWENTY-FIRST DAY.

WEDNESDAY, APRIL 30.

The buſineſs of this day was reſumed by Mr. Sheridan. Several documents were read, relating chiefly to the preſent of 100,000l. made by the Vizier to Mr. Haſtings, in the year 1781.

Major Scott underwent a long examination. This witneſs was a complete contraſt to another who has been repeatedly examined: the latter recollected few things; the former remembered every tranſaction, however minute, in which Mr. Haſtings was any way concerned ſince the time the witneſs was appointed his Agent. The examination this day turned chiefly upon the preſents which Mr. Haſtings had received from the Nabob Vizier, Cheyt Sing, &c. The Major in his evidence ſtated, that Mr. Haſtings had tranſmitted to him a SEALED letter, directed to the Secret Committee of the Eaſt-India Company, which he immediately delivered to Sir Henry Fletcher, at that time the Chairman of the Company. This letter, of which a copy was ſent either at that time or ſoon after, contained an account of the preſent from the Nabob. He was aſked, if he had not received a general diſcretionary power from Mr. Haſtings, to deliver, or to ſuppreſs, the letters committed to his care, according as he ſhould find the ſtate of parties in England? The tendency of this queſtion was to ſhew, that, according to that diſcretionary power, Major Scott might have ſuppreſſed the letter to the Secret Committee, if from the complection of affairs he had judged it convenient ſo to do, and with it, of courſe, the information that Mr. Haſtings had received this preſent. But the Major ſaid, that though his power was generally diſcretionary, he did not conceive it to extend to the letter which was directed to the Secret Committee, for he believed himſelf to be peremptorily BOUND to deliver that letter.

He was aſked, if he did not learn from a letter directed to himſelf from Mr. Haſtings, that a preſent of two lacks, mentioned by the Governor-General to have been received by him, was made by Cheyt Sing, though Mr. Haſtings had not, in any of his diſpatches to the Court of Directors, told the name of the perſon from whom he had received that preſent? The witneſs anſwered the queſtion in the affirmative.—He was aſked, if Mr. Haſtings did not intend at firſt to keep the receipt of the 100,000l. from the Nabob a ſecret from the Company? He replied, that, in his opinion, he did not; for the expenditure of the ſum, applied as it had been to the public uſe, muſt have appeared to the Company as exceeding by ſo much the Company's revenue.

Here a paſſage from Mr. Haſtings's letter from Cheltenham was read, which ſtated, that he intended to have kept the receipt of the money a ſecret, and that if he had been inclined to convert it to his own uſe, he might eaſily have done ſo, without any danger of detection. This Major Scott explained, by ſaying, that Mr. Haſtings meant, that he intended to keep a ſecret FROM WHOM the preſent had been received, contenting himſelf with carrying the amount of it to the Company's account.

He was aſked, what was Mr. Haſtings's reaſon for having ſuffered many months to elapſe before he made any communication on the ſubject of thoſe preſents to the Court of Directors? The witneſs anſwered, that the Governor-General took the earlieſt opportunity to make that communication. Upon this Mr. Sheridan, who examined Major Scott, produced the India-Houſe accounts of the arrival of the Nymph ſloop of war and the Swallow packet, both from Bengal, by neither of which Mr. Haſtings had ſent any advice of the receipt of the preſent from the Nabob, though he had received it before the ſailing of either. Major Scott obſerved upon this, that the Nymph had been ſent from Madras to Bengal for a ſupply of money; that when ſhe was ordered back to Madras, ſome diſpatches for Europe were ſent in her, and directed to Sir Edward Hughes, with a requeſt that he would tranſmit them to England by the firſt veſſel he ſhould ſend home. The Admiral actually diſpatched the Nymph to England; but when ſhe left Bengal, on her return to Madras, it was very uncertain when the diſpatches which ſhe carried would be ſent to Europe. The reaſon why no advice

vice reſpecting the preſents was ſent by the Swallow was, that the Governor-General and Council were preparing diſpatches, which they ſaid they would ſend by the next ſhip that would ſail after the departure of the Swallow *.

Major Scott was examined very minutely with reſpect to the contents of the letter to himſelf from Mr. Haſtings, accompanying the SEALED letter already mentioned, directed to the Secret Committee. His anſwers ſtruck Mr. Sheridan, as differing from thoſe given by the witneſs to the ſame queſtions, when he was examined before the Select Committee of the Houſe of Commons; and he obſerved, that if he was to believe the former, he could not believe a word of what the witneſs had ſaid this day on the ſame ſubject. Major Scott, upon this, wiſhed that his evidence before the Commons might be read, when it would appear, he ſaid, that he had been uniform and conſiſtent in all the evidence he had given on both occaſions. He had nothing to conceal at either time; he meant to ſpeak out; he did not want to ſhelter himſelf under the pretence of a ſhort memory, or the diſtance of periods in which the tranſactions in queſtion took place: if he had ſaid any thing that was not fairly ſtated, he would be very glad of an opportunity of correcting it.

The Earl of Fauconberg made ſome remarks upon the harſhneſs of Mr. Sheridan's expreſſions to the witneſs. The Lord Chancellor ſaid, that the Hon. Manager did not caſt any reflection upon the perſonal honour of the witneſs; he only remarked ſome contradiction in the evidence given by him on this and on another occaſion, which, in the Hon. Manager's mind, ſhewed that both accounts could not be true; ſo that if he believed the one, he could not believe the other. The evidence given by the Major before the Select Committee was then read, and whatever apparent contradiction was found between it and his evidence of this day, the witneſs endeavoured to explain away, and ſeemingly not without ſucceſs.

The cloſeſt part of the examination was relative to the contents of the letter accompanying the SEALED one; but Major Scott ſaid, he had the letter by him. Mr. Sheridan thought the beſt and moſt legal way would be to call for the letter itſelf. The witneſs ſaid, he had but one objection to the production of it, and that was, that there were other matters in it which did not relate to the preſents. In his correſpondence with Mr. Haſtings, he had given his opinions on men, and meaſures pretty freely, and Mr. Haſtings, in his replies, had been as free in his remarks: he left it, therefore, with their Lordſhips to determine whether private correſpondence, carried on in any ſuch way, ought to be produced.

Mr. Sheridan ſaid, he would be as delicate

* The whole amount of theſe preſents, ſo charged, was ſtated by Major Scott to have been managed with perfect rectitude throughout: From the original receipt of the money, to its final appropriation, Mr. Haſtings ſeemed to have no other purpoſe than CREDITING THE COMPANY.

The amount of the whole was 19 lacks and 60,000 rupees. Of theſe, 20,000l. ſterling, being particularly circumſtanced, had been particularly charged—and in a QUESTIONABLE SHAPE, fairly put before the Directors—they to determine, whether the money ſhould go to the Company's Treaſury, or be conſidered as his own.

The determination of the Directors was againſt Mr. Haſtings having the money; and ſo, the whole was carried to the Public Account.

In the œconomy and remittance of this money, there were ſome intricacies, which Major Scott explained:—In a circuitous uſe of ſome of the money, when expedient, as in the expedition of General Carnac:—In the delayed communication of another part, from the unexpected failing of the Swallow, on the orders of Mr. Wheeler and Sir J. Macpherſon, when Mr. Haſtings was at Lucknow:—In the impoſſibility, at leaſt in the inexpedience, of venturing any thing over-land to Madras, the intermediate country being then harraſſed by the enemy:—And, finally, on one portion of the money having been *remitted*, with ſome *ſmall informality*, through Major Scott.

This INFORMALITY being treated more gravely on one ſide than on the other—Major Scott was aſked, If his praiſe of Mr. Haſtings could pretend to be ſyſtematic? If Mr. Haſtings had not acted, now and then, in contradiction of thoſe orders it was his bounden duty to obey?

To this, the anſwer of Major Scott was as follows:—

"He thought, the PRIMARY DUTY of the Governor-General was the Preſervation of "the Empire entruſted to his care.—That he thought, ſuch duty, at once judicial as well "as miniſterial, might lead to a Diſobedience of any Orders given *in initio*.—And that he "alſo thought, *for ſuch diſobedience* a Governor-General was RESPONSIBLE."

as any man on ſuch a ſubject; and therefore he would not deſire that any parts of ſuch a correſpondence ſhould be read, that really were of a private nature, and did not in any degree relate to the ſubject of the charge: but then he thought it would be proper that ſome perſon ſhould be appointed by their Lordſhips to peruſe the letter, and ſee that nothing in it, which really related to public buſineſs, was kept back under the pretence of its being of a private nature.

It ſeemed to be allowed on all hands, that the delicacy of withholding what was really of a private nature in the letter was well founded.

Mr. Adam was willing to adopt this idea of delicacy, but the priſoner might conſider the adoption of it rather as an INDULGENCE than a RIGHT; for it appeared from the priſoner's covenants with the Company (which Mr. Adam read), that he was bound to deliver up to the Company all diaries, memorandums, minutes, &c. relating to the Company's affairs, though they ſhould be mixed with his own moſt private concerns, or thoſe of others. And when he conſidered the nature of other preſents, upon which the witneſs had not yet been examined, he did not think that the ſame delicacy ought to be obſerved with reſpect to them, which the Managers were willing to obſerve this day with reſpect to the letter in queſtion.

The letter was not called for.

Mr. Law obſerved to the Court, that one of his client's witneſſes, Mr. Graham, was in ſo bad a ſtate of health, that it was feared he could not live many days; certainly he could not live to the time when his client would wiſh to produce him: he therefore wiſhed their Lordſhips would ſuffer him to be examined at home. He had ſubmitted the circumſtance to the conſideration of the Managers, and they had given their conſent to the meaſure. If, therefore, their Lordſhips ſhould agree to this meaſure, interrogatories ſhould be drawn up, and ſent to the Managers, that they might make out croſs-interrogatories upon them. The Counſel for Mr. Haſtings would readily conſent to a ſimilar meaſure, if the Managers ſhould have occaſion to propoſe it.—Mr. Sheridan ſaid, the Managers had no objection to the propoſal of the learned gentleman; but it was not on the ground of RECIPROCITY that they aſſented to it. It was certainly a new mode of proceeding in a criminal cauſe, to which nothing analogous could be found in the Courts below: that, however, was for the conſideration of their Lordſhips; the Managers, for their part, did not object to it.

The Lord Chancellor ſaid, it certainly was a new proceeding, and he did not yet know what to ſay to it. He would conſider of it, however; and their Lordſhips would, in deliberating upon it, not forget that the conſent of both parties was the baſis of the application.

When the buſineſs had got thus far, their Lordſhips adjourned.

TWENTY-SECOND DAY.

THURSDAY, MAY 1.

The Lord Chancellor informed the Counſel for Mr. Haſtings, that it would require ſome time for their Lordſhips to conſider of the requeſt made yeſterday, "That leave might be given to the defendant, to take the evidence of Mr. Graham at his own houſe;" for it did not as yet appear clear to their Lordſhips, that the Court had power to grant ſuch a requeſt. When they ſhould have further conſidered the ſubject, they would direct him, he ſaid, to communicate their determination to the Counſel and to the Managers."

After this, Major Scott was called in and examined relative to the diſpatches ſent by him over-land to Mr. Haſtings, and the expence attending them. He ſaid, that from the year 1782 to 1785, he had ſent ſeveral diſpatches over-land to the then Governor-General (Mr. Haſtings); that the expences attending the tranſmiſſion of them amounted to about 6000l. ſterling; and that they were defrayed by Mr. Haſtings.

This circumſtance, the only material one, being aſcertained, Mr. Sheridan roſe to ſay, "That having various public letters from Mr. Haſtings to adduce in evidence, he would not, if their Lordſhips approved of it, keep them longer, than by barely reading the heads of them."

To this it was replied by the Chancellor, "That if they were to be brought as evidence, the WHOLE muſt be read."

The Clerk, therefore, again mounted the roſtrum, and a courſe of "Indian Readings" commenced, for the ſpace of two hours, to prove that Mr. Haſtings had kept back from the Council at Calcutta the circumſtances that had come to his knowledge of the diſaffection and treaſonable proceedings of the Begums; that, from the 19th of November, when he concluded the treaty of Chunar, by which theſe Princeſſes were to be diſpoſſeſſed of their landed eſtates, and for which meaſure their diſaffection was ſtated as the ground, down to the 20th of January following, he never made the Council at Calcutta acquainted with the treaty, or the grounds on which it had been concluded.

Mr. Middleton was afterwards called in and examined. He ſaid, that he was at Chunar when Mr. Haſtings and the Nabo

in perſon concluded the treaty, which takes its name from that place: that, on the day on which it was executed, he was in the apartment of Mr. Haſtings, together with the Nabob and his two Miniſters, and ſome other natives: that whilſt Mr. Haſtings was at one end of the room, with thoſe natives, he (the witneſs) was converſing with the Nabob and his Miniſters at the other end: that his Highneſs was very unwilling to ſet his ſeal to the treaty, and thereby execute it: that he ſeemed to think he had made too great conceſſions in it to Mr. Haſtings, and given him too great an authority in his country: that his unwillingneſs to execute it was at laſt removed by the witneſs, who ſaid he thought the treaty would be very advantageous to both parties, without being attended with the leaſt inconvenience to either: that the great object of it being to ſecure to the Company the payment of the debt due by his Highneſs to the Company, he aſſured the Nabob that the Governor-General would not inſiſt rigidly upon the performance of any part of the treaty that was not eſſentially neceſſary to that purpoſe; and that as Mr. Haſtings had made very great conceſſions to the Nabob, in agreeing that the Britiſh and native troops of the Company, then in the pay of his Highneſs, ſhould be withdrawn, and many eſtabliſhments made for the proviſion of Engliſh gentlemen, at the expence of the Nabob, ſhould be ſuppreſſed, it would be abſolutely neceſſary that Mr. Haſtings ſhould have ſomething to ſhew in return for the ſacrifices made by him in the treaty: that under the aſſurances of the witneſs, that the whole of the treaty was not to be enforced, and in conſequence of the other arguments uſed by him, the Nabob at laſt conſented to execute the treaty.

Mr. Middleton was aſked, if it was not at that time that the preſent of 100,000l. was given to Mr. Haſtings? He ſaid, he did not know, as he had learnt nothing of it till after his arrival in England. He was next aſked, whether, if he had known that the preſent of 100,000l. was made at that time, he could not readily have accounted for the conceſſions made by Mr. Haſtings to the Nabob? He obſerved, that this was a mere matter of OPINION, and therefore he hoped their Lordſhips would not inſiſt upon his giving an anſwer to this queſtion. The Court did not diſappoint the hope of the witneſs on the occaſion.

He was aſked, if all Mr. Haſtings's PRIVATE letters to him after the treaty of Chunar were recorded by him? He anſwered, that all the private letters written by Mr. Haſtings to him were upon record. He was deſired to point out *one*. He ſaid, he had read ſome this morning in *print*; but letters in *print* were not admitted to be of *record*. He was aſked, if the PRIVATE letters of Mr. Haſtings to him after the treaty of Chunar did not relate to public buſineſs? He ſaid, that many private letters to him from Mr. Haſtings were intermixed with public and private affairs; but that he believed *all* thoſe that were written after the treaty of Chunar related to *public* affairs. He was aſked, if it was not uſual with the Reſidents at Lucknow and elſewhere to copy *all* letters into their official books that related to *public* affairs, together with their *anſwers* to them? He admitted, that ſuch was the practice of office. He then was aſked, if he had preſerved in his office *recorded* official copies of theſe letters and anſwers? He anſwered, that he had *not*. He obſerved, that after Mr. Haſtings had brought a charge againſt him at Calcutta, he (Mr. Haſtings) publiſhed thoſe letters, and that was what he meant by ſaying they were recorded; but in point of fact, they did not appear in the Company's records. He was next aſked, if he had not correſponded with Sir Elijah Impey on the ſubject of the treaty of Chunar? He anſwered in the affirmative. He was aſked, if the correſpondence was not of a public nature, and which concerned the Company? He ſaid, *yes*. He was then aſked, if he had copied the letters of that correſpondence into his official book, and ſo recorded them, as was the practice and duty of Reſidents? He replied, that he had *not*. He ſaid, that Sir Elijah Impey had ſince delivered them to the Houſe of Commons. The Managers aſked, if the witneſs had not heard, before the concluſion of the treaty of Chunar, all the circumſtances relative to the diſaffection of the Begums, and the aſſiſtance ſaid to have been given by them to the Rajah Cheyt Sing. He ſaid, he had heard, from common report, that the Begums were diſaffected, and had actually raiſed 1000 men to ſupport Cheyt Sing; and that the adopted ſon of Bahar Ally Khan (one of the Begums Miniſters) who was Governer of the principal town in the diſtrict of the Begums jaghires, had behaved in a hoſtile manner to the Engliſh, which, in the opinion of the witneſs, he would not have preſumed to have done, if he had not been ſure of countenance and ſupport from the Miniſters of the Begums, and from the Begums themſelves. Whatever the witneſs had heard from common report, he had ſtated to Mr. Haſtings. He was aſked, whether common report did not charge the Nabob himſelf with acting in concert with the Begums, in their hoſtile diſpoſitions againſt the Engliſh? He anſwered

ſwered, that common report did not go that length; but Col. Hannay, in a letter to the witneſs, did not heſitate to ſay it was ſo underſtood at Fyzabad (the reſidence of the Begums). He was aſked, if he had not made an affidavit before Sir Elijah Impey of *all* he knew relative to the Begums? He ſaid he had. He was aſked, if he did not know, at the time, that Capt. Gordon had been releaſed by the Begum, and ſent under a *protecting* guard to Col. Hannay, and that both Col. Hannay and Capt. Gordon had written letters of thanks to her for her kind treatment of the latter? He anſwered in the affirmative. The Managers then aſked, what was the reaſon that, when he made the affidavit before Sir Elijah Impey, his memory enabled him to ſtate every thing he had heard *againſt* the Begums, but did not ſuggeſt to him this fact in *favour* of them, and which he had from better authority than *common* report, namely, the letters of Col. Hannay and Capt. Gordon? His reply was, that he did not think the Begums deſerved any thanks for the releaſe of the latter gentleman, as Col. Hannay had informed him that he was obliged to temporize with them, on account of the ſituation of Capt. Gordon, whoſe life he thought in danger at the time: that this was the reaſon for writing in the manner he had done to one of the Begums; and that, after the releaſe of that gentleman, it was thought expedient to keep up the ſame appearance of confidence in her, and therefore it was that the letters of thanks had been ſent to her. He was aſked, if a Mr. *Scott* had not a *great* manufacture at that time in the very town of which the adopted ſon of Bahar Ally Khan was Governor? whether that gentleman had ever been in any danger of his life from the diſaffection of the Governor, or ever experienced a want of reſpect from him, or of protection to his manufacture? and whether it was not at the houſe of this Mr. Scott that Capt. Gordon was lodged, while he was in that town of which the Governor was repreſented as acting hoſtilely againſt the Engliſh, with the encouragement or connivance of his miſtreſſes the Begums? He replied, that Mr. Scott certainly had a very great manufacture in that town; that he was never moleſted by the Governor, or in danger of loſing either his life or property; and that his houſe afforded an aſylum to Capt. Gordon. He was afterwards aſked, if this ſame diſaffected Governor, acting, as it was ſaid, under the influence of his miſtreſſes the Begums, had not been actually delivered up by thoſe Princeſſes to Mr. Middleton? His anſwer was, that the Governor had been delivered to the Nabob, who had put him into the hands of the witneſs. He was aſked, if this man had not been diſcharged from cuſtody without having received any puniſhment, though he was charged with treaſon againſt the ſtate? Mr. Middleton replied, that he himſelf had had leave of abſence from Lucknow for a month; and Mr. Johnſon, his principal aſſiſtant, was left to do the duties of Reſident in his abſence: he underſtood that, in the mean time, the priſoner had been diſcharged from his confinement, and he had not heard of any enquiry into his conduct. He was aſked, finally, whether Capt. Gordon had not claimed reparation for loſſes ſuſtained by him in the Begums' country to the amount of 3000l. and whether his claim had not been allowed? The witneſs anſwered in the affirmative, and was then directed to withdraw.

It was then ſix o'clock, and their Lordſhips thought proper to riſe and adjourn the Court to the Tueſday following.

Twenty-Third Day.
Tuesday, May 6.

This day a great deal of written evidence was given in, and read, relative to the Begums; after this,

Sir ELIJAH IMPEY

was called to the bar, and underwent a long examination relative to the affidavits ſworn before him, on the ſubject of the diſaffection of the Begums, and the rebellion in Benares.

His anſwers in ſubſtance were, that his leaving Calcutta had not for its object the taking of thoſe affidavits; on the contrary, when he ſet out on his journey, his ſole intention was to viſit the country Courts of Juſtice. Whilſt he was on his way, he received a ſhort note from Mr. Haſtings, in which he informed him, that an unexpected revolution had happened at Benares; but that he was in ſuch confuſion about it, that he could not himſelf write him any of the particulars of the revolution, for which he referred him to a long letter from Mr. Sullivan (the private Secretary to Mr. Haſtings). This long letter was delivered to the witneſs at the ſame time with Mr. Haſtings's note; the Governor-General, in his note, preſſed him much to join him at Benares. The witneſs haſtened to Patna, where the Engliſh were in the greateſt conſternation at the news of the rebellion, and were ready to quit the town. The witneſs thought it his duty to put on a good countenance; and for the purpoſe of preventing the alarm from ſpreading, to ſtay longer at Patna than was perhaps conſiſtent with his perſonal ſafety: when he at laſt left Patna, he repaired to Mr. Haſtings at Benares.

He was aſked if, when he took the affidavits reſpecting the Begums, he conceived himſelf to be legally empowered to adminiſter an oath? He anſwered, that he certainly was beyond the bounds of his juriſdiction, when he adminiſtered the oaths in queſtion, and was not of courſe, ſpeaking ſtrictly, legally empowered to adminiſter them; but he was of opinion, that the high office he held in India impoſed on him as a duty that he ſhould be ready at all times to ſerve his country; and he believed, that a more favourable opportunity of ſo doing had not occurred than that in which he had been invited by Mr. Haſtings to co-operate with him in any meaſure that might tend to ſecure the then tottering intereſt of the Britiſh Government of India. In taking the affidavits which were made to eſtabliſh the guilt of the parties at that time in rebellion, he admitted that he had acted without judicial powers; but he could, if the Houſe preſſed him ſo to do, quote the higheſt authority in this kingdom to prove, that he (the great and noble magiſtrate alluded to, who was ſuppoſed to be Lord Mansfield) had adminiſtered oaths on ſome great occaſions, where he had no local juriſdiction. The witneſs ſaid, that the only object he had in view at the time, was to atteſt that the affidavits had been actually ſworn; that the deponents had been aſked at the time, whether the contents of theſe affidavits were true, and that they had anſwered in the affirmative; but as to the truth or falſehood of them, the witneſs never was able to aſſert any thing of his own knowledge.

In this part of the buſineſs, it was conceived by Sir Elijah, that ſomewhat had gone, *by inſinuation*, againſt his teſtimony. His obſervation on it was in the following ſpirited and manly form:

"My Lords, I truſt it is underſtood, that "I ſtand here a *voluntary witneſs*. In my "teſtimony, I am upon oath; I ſpeak to "the beſt of my recollection; and I have "a character to ſupport.—That character, "the Honourable Managers ſhall not take "away, even *by inſinuation*; and I truſt, "when I uſe this language, your Lordſhips "will ſupport me.—I might heſitate to anſwer;—but ſuch heſitation I diſdain: I "will ſpeak *freely* and *fairly*; but I will not "have words PUT *into my mouth*, which I "*have not uttered*.—No man ſhall inſinuate "that I am guilty of ſpeaking falſely, till "he can prove that I do ſo!"

The Lords, as by one action, univerſally nodded approbation. The enquiry went on.

Sir Elijah then depoſed, that the rebellion of the Begums, though then quieted, was as notorious in that country, as the one of 1745 in this—a doubt of it did not exiſt:—That the part of the country which he went over, was as peaceable as the road to Brentford:—That the common poſt road went through Fyzabad; but the route he took was round-about—but which he choſe, for the purpoſe of ſeeing a part of the country, he ſhould never again have an opportunity of viewing:—That his retinue was but ſmall—a ſurgeon, and three or four ſervants or Hircars:—That the ſituation of Mr. Haſtings at Lucknow, was peculiar—almoſt *without a ſecond*:—That he conſidered it his duty to offer him every aſſiſtance in his power.

Here Mr. Burke broke out into an eloquent lamentation.

"O miſerable ſtate, cried he, of the Eaſt "India Company! O abandoned fortune of "Mr. Haſtings! O fallen lot of England! "—when no aſſiſtance could be found, "but what was to be given by Sir Elijah "Impey!—a man who was to act extra-"judicially, and in a diſtrict where even his "judicial capacity had no force."

Being aſked, if he had ever had any reaſon ſince for believing that the rebellion of the Begums had not taken place? he anſwered *yes*; he had heard that the Hon. the Houſe of Commons had pronounced the report of the rebellion of the Begums to be ill-founded, and he preſumed that the Hon. Houſe had had more information on the ſubject than he had. He was aſked, if he ſigned the affidavits only as a witneſs that they had been ſworn, might not the atteſtation of the Engliſh Reſident have been as effectual for that purpoſe?—He anſwered, that he thought it would not; becauſe the Reſident was generally underſtood to be the confidential friend of Mr. Haſtings, and therefore his agency would have been ſuſpected. He was aſked, if he was ſure that Mr. Haſtings had publiſhed all the affidavits that the witneſs had taken?—He replied, that he could not tell; but he had ſuch a reliance on the veracity and honour of Mr. Haſtings, that he preſumed he had publiſhed them all. He was next aſked, if the character of Mr. Haſtings ſtood ſo high for veracity and honour, whether the atteſtation of ſuch a man would not have ſtamped ſufficient authenticity on the affidavits, and rendered it unneceſſary, that the Chief Juſtice ſhould be called upon to adminiſter oaths out of his own juriſdiction?—He replied, that he thought the atteſtation of a perſon not connected with the executive government, would have moſt weight. He was aſked, if he had not taken the affidavits relative to the rebellion of the Begums, for the

purpoſe

purpoſe of juſtifying Mr. Haſtings for plundering theſe Princeſſes, and preventing any future enquiry into his conduct on that head?—He anſwered in the negative; for though he conſidered the revolution of Benares to have been of ſo important a nature, that he thought at the time it would lead to an enquiry into the conduct of the Governor-General, yet the public notoriety of the diſaffection of the Begums did not leave him room to think, even for a moment, that the puniſhment inflicted on theſe Princeſſes for their rebellion could ever be made a ſubject of public enquiry.—He was aſked, if he himſelf had not, by the direction of Mr. Haſtings, deſired Mr. Middleton to contrive, if poſſible, to bring the Nabob to make a requiſition that he might be permitted to ſeize the jaghires of his mother and grandmother? On this point the witneſs could not ſpeak with great certainty; but he was inclined to anſwer it rather in the negative than in the affirmative.

Mr. Sheridan then read a paſſage from the ſecond defence of Mr. Haſtings, in which the latter gentleman ſaid, that Sir Elijah Impey had been directed to make ſuch a communication to Mr. Middleton. Mr. Sheridan then aſked, if the witneſs diſbelieved that aſſertion? He replied, that probably what Mr. Haſtings had written was true, but that he did not recollect that the fact was as it was ſtated there. Mr. Sheridan then ſaid, that he muſt conclude the witneſs contradicted the aſſertion made by Mr. Haſtings. Sir Elijah obſerved, that he gave his evidence without conſidering how it would bear on either the charge or the defence; and that it would be for the Court to apply it.—Mr. Sheridan ſaid, that he would prove hereafter, to the entire ſatisfaction of their Lordſhips, that the Nabob had been urged and preſſed on the part of Mr. Haſtings to make a requiſition for leave to reſume the Begums jaghires; that he at length did make the deſired requiſition in form, and that Mr. Haſtings had acted as if ſuch requiſition had been made freely and voluntarily by the Nabob.

At the concluſion of his evidence. Sir Elijah Impey uſed the following words:

"It has been objected to me *as a crime*, "my Lords, that I ſtepped out of my official "line, in the buſineſs of *the affidavits*; that "I acted as the *Secretary* of Mr. Haſtings. "I did do ſo. But I truſt it is not in one "*ſolitary inſtance* that I have done more than "mere duty might require. The records of "the Eaſt India Company; the minutes of "the Houſe of Commons; the recollection "of various inhabitants of India—all, all, "I truſt, will prove that I never have been "wanting to what I held was *the ſervice of "my country*. I have ſtaid, when perſonal "ſafety might have whiſpered, "there is no "occaſion for your delay!" I have gone "forth—when individual eaſe might have "ſaid—"Stay at home!" I have adviſed, "when I might coldly have denied my ad-"vice. But, I thank God, recollection does "not raiſe a bluſh at the part I took; and "what I *then* did, I am not *now* aſhamed to "mention!"

At half paſt five the Managers ſeemed to think they had heard enough from Sir Elijah.

Various Lords put different queſtions: Lords Suffolk, Carliſle, Stanhope, Walſingham, Kinnaird, and Portcheſter, the latter of whom uſed a word from the witneſs, viz. *ſegregate*.

The Court was very numerouſly attended.

Twenty-Fourth Day.

Wednesday, May 7.

This day a great deal of written evidence was produced to ſhew what exceſſes had been committed by the Engliſh ſtationed in Oude, upon the inhabitants of that country: one paper ſtated, that one morning an Engliſh officer had cauſed the heads of eighteen natives to be ſtruck off.

A letter was next read to diſprove the aſſertion made by Mr. Haſtings in his defence, that he had left the territory of Oude in a flouriſhing condition. This letter was from Lord Cornwallis—It ſtated, that on his viſit to Lucknow he was received by the Vizier with every mark of reſpect and attention; but that he was ſhocked at the deplorable appearance of the country and the people: that he exhorted the Nabob in the moſt urgent manner to adopt a ſyſtem of œconomy in the expenditure of the revenue, and to lay down fixed principles of government for the happineſs and advantage of his ſubjects. That the Vizier replied, he had no intereſt in eſtabliſhing a ſyſtem of œconomy, while the influence of the Engliſh Government ruled every thing about his Court and in his dominions; and that for him to attempt a new ſyſtem of government, under ſuch circumſtances, would be abſurd, as his authority was laughed at and deſpiſed by his ſubjects, who looked upon him as a cypher; but that if the Engliſh were to ſuffer him to be the maſter of his dominions, he would become truly œconomical, and lay down plans for the improvement of the commerce and encouragement of the agriculture of his people.

Another letter from Lord Cornwallis ſtated, that his Lordſhip had ſeen ſome of the cavalry, and other parts of the army of

Oude,

Oude, but that he had found them ſuch as it would not be ſafe for a General to place much dependence upon; and, indeed, from all he had ſeen of the country, that it would be impoſſible for the Company, in caſe of a war, to draw any aſſiſtance from it.

A letter from Mr. Kirkpatrick was read, to contradict another aſſertion in the defence made by Mr. Haſtings, namely, that the Princes of India had a high opinion of his good faith; and that Madajee Scindia had written a letter to our moſt Gracious Sovereign, in which he beſtowed the higheſt praiſe on Mr. Haſtings, and ſeemed to have nothing more to aſk, than that thoſe who ſhould ſucceed him in his government might follow his example. Mr. Kirkpatrick's letter, which was addreſſed to Lord Cornwallis, aſſured that the natives had experienced ſo many breaches of faith on the part of the Engliſh, that it would be a very difficult matter to prevail upon them ever to place confidence in our promiſes or engagements; and therefore, however ſincere Government might be in their intention to be faithful to their engagements, nothing but time and ſome more happy experience of a change in our meaſures, could make the natives place any confidence in our aſſurances. This letter of Mr. Kirkpatrick was the more remarkable, as it was written from the country of Madajee Scindia, the Mahratta Prince, who, according to the defence of Mr. Haſtings, had ſo great a reliance upon the faith of his government, that he wiſhed all future Governors of Bengal might adhere as religiouſly to their engagements as Mr. Haſtings had to his.

The Managers having gone through this written evidence, deſired that

Mr. MIDDLETON

ſhould be called to the bar. This gentleman having made his appearance, underwent a long examination on the ſubject of the ſeizure of the Begum's jaghires, and their treaſure, &c. &c. He was aſked how long the rebellion of the Begums, ſuch as he ſuppoſed it to be, had laſted? He ſaid he believed the period of its duration might have been from the ſame period in the month of Auguſt, at which Cheyt Sing broke out into rebellion, to the latter end of September.—This queſtion was thought to be the more material, as the Begums were not ſtripped of their jaghires till the December following, near three months after the concluſion of the ſuppoſed rebellion; though that rebellion had ſince been made the ground or cauſe for which theſe jaghires were ſeized.

He was aſked, if Sir Elijah Impey had communicated to him the pleaſure of Mr. Haſtings relative to the reſumption of the jaghires? He believed he might have converſed with Sir Elijah on the ſubject. A paſſage from one of his own letters was then read to him, in theſe words:—"Your plea-"ſure I have learned from Sir Elijah Impey "relative to the Begums, and I ſhall take "care to uſe every influence with the Na-"bob to ſecond your views." He acknowledged that he had written the letter in which that paſſage was to be found. The object of the Managers in examining the witneſs to this point was, to ſhew that the plan for ſeizing upon the treaſures of the Begums, had originated with Mr. Haſtings, and not with the Nabob.

The Managers then read a letter from the Bow Begum, or princeſs mother, to Mr. Briſtow, ſtating the hardſhips of her ſituation, the calumnies of her enemies, and her own innocence, and calling upon the Engliſh for that protection, which by treaty they were bound to afford her. Other letters were read, written by Lieutenant-Colonel Hannay and Capt. Gordon, to the Begum, and her Miniſters Bahar and Jewar Ally Khan, thanking them for their kind interpoſition, which had ſaved the life of Capt. Gordon. The Counſel for Mr. Haſtings objected to the admiſſion of theſe letters as evidence, becauſe printed copies of letters were not evidence, whilſt the originals could be obtained; but ſtill leſs were they evidence in the preſent caſe, as the writer, or ſuppoſed writer of ſome of them, was in London; and the Managers ought, in point of candour, to call upon him to ſtate whether theſe were copies of letters that had really been written by him.

Mr. Sheridan ſaid, it was impoſſible for him to produce the writers of theſe letters, becauſe one of them was the younger Begum, who was in India, and could not be brought to this country; another of them (Col. Hannay) was dead; and as for the third, Capt. Gordon, he did not think proper to call him, though he ſhould be on the ſpot; for notwithſtanding the many expreſſions in his letters of gratitude to the Begum and her Miniſters, for the preſervation of his life, this gentleman had not thought proper to take the leaſt notice of ſo remarkable a circumſtance in his depoſition, or affidavit, before Sir Elijah Impey. But it was not neceſſary that he ſhould produce either the originals, or the writers of theſe letters; they had been printed and annexed to one of the charges againſt Mr. Haſtings, to which charge that gentleman had been admitted to make a defence at the bar of the Houſe of Commons; and in that defence he admitted theſe very letters to be genuine, and the printed copies to be faithful.

Mr.

Mr. Law ſaid, that the Commons might prove that ſuch had been annexed to the charge in the Commons, and that Mr. Haſtings had argued upon them as *if* they were genuine, but not *admitting* them to be ſo; and after the Managers ſhould have proved this, he would contend that the evidence of facts ſo proved was not admiſſible againſt the defendant.

Mr. Burke ſaid, it was a hard thing for the Commons to proceed under the various diſadvantages which naturally aroſe out of the delinquency of the priſoner at the bar. One of the charges againſt him was, that he had ſuppreſſed letters which he was bound in duty to have recorded, and which, if he had, would be evidence for their Lordſhips: but now that he had violated his duty, and ſuppreſſed correſpondence, his Counſel triumphantly called out for the original letters: this was making the priſoner avail himſelf of his own wrong, contrary to all principles of juſtice.—The Managers proceeded to prove, that theſe letters had been printed and annexed to a charge in the Houſe of Commons, to which Mr. Haſtings had made a defence; and a paſſage from that defence was read, to prove that he had admitted theſe letters to be genuine. They were accordingly read, and taken down upon their Lordſhips minutes.

After this, Mr. Law obſerved, that as it did not appear from any evidence given by the Managers, that theſe letters had ever reached the hands of Mr. Haſtings, he hoped the Hon. Manager who had charged him with having ſuppreſſed letters, would in candour and juſtice to the gentleman at the bar retract his aſſertion.

Mr. Burke, aſſuming all the dignity of ſituation belonging to a perſon acting for and repreſenting the Commons of England, replied, "MY LORDS, THE COUNSEL DESERVES NO ANSWER."

Mr. Sheridan proved, that ſome of the moſt material evidence relative to the Begums, had been actually ſuppreſſed; for he ſtated from written documents, the authenticity of which had been previouſly eſtabliſhed, that Goulaſs Roy (a man who had reſided in Oude, and was beſt acquainted with all that belonged to the conduct of the Begums) had been ſent to Benares to make his depoſition; and that after he had made it, he was ſent home:—but, ſaid Mr. Sheridan, not the leaſt notice or account of this depoſition of Goulaſs Roy was to be found in the collection of affidavits taken by Sir Elijah Impey.

The Managers then continued the examination of Mr. Middleton. His books of correſpondence were produced; and it appeared, that many pages were torn out, and others were added, which were looſe, not being ſewed or bound up with the reſt. One of the books appeared to be numbered or paged in his way: A ſubject was carried on and paſſed in regular order; when that ſubject was ended, another began again with No. 1, 2, 3, &c. ſo that page 1 occurred more than once in the ſame volume. Now a great number of leaves were torn out, and the next page to thoſe that had been ſo torn bore the No. 1, and thus went on regularly; ſo that a whole hiſtory of any one tranſaction might have been thus deſtroyed. The leaves ſo torn off had been bound up with the reſt, and the threads of the binding from which they had been torn remained.

Mr. Middleton was not able to account for this lacerated ſtate of his books.

He was then aſked, if the Nabob had been always inclined to take from his parents their jaghires and eſtates? He ſaid, he believed he was ever inclined to do ſo, but had been withheld by his dread of the Engliſh, whoſe faith was pledged to guarantee to the Bow Begum, at leaſt, thoſe jaghires and treaſures. He was aſked next, how he could, in one of his letters to Mr. Haſtings, ſtate, that he had an *almoſt unconquerable reluctance to the meaſure?* He did recollect that he had made uſe of that expreſſion. The expreſſion appeared in a letter of Mr. Haſtings to Mr. Middleton, in which the former adverts to and repeats this expreſſion, as taken from a preceding letter from Mr. Middleton to the Governor-General. This letter of the witneſs, to which Mr. Haſtings referred, was not to be found, and was by the Managers ſaid to be one of the many that had been deſtroyed or ſuppreſſed. Another letter, from the Nabob, which Mr. Middleton ſaid he diſpatched to Mr. Haſtings, and which related to the reſumption of the jaghires and treaſures, was not to be found upon record, but was alſo ſuppreſſed or loſt.

Mr. Middleton was aſked, whether Mr. Haſtings would not have cauſed the jaghires to be ſeized, whether the Nabob had conſented or not? He ſaid, he believed he would. He was aſked, if he himſelf (the witneſs) had not iſſued *his own* orders, or *perwannahs*, for that purpoſe, without waiting for the conſent of the Nabob? He replied, that certainly he had ſigned and ſealed ſome of theſe perwannahs, and delivered them to the Miniſter, but he did not believe they had been diſpatched by him before the Nabob ſigned perwannahs for the ſame purpoſe. He was aſked, if the Nabob had not at the time declared, that his ſo ſigning was *an act of compulſion?* This Mr. Middleton admitted. He was then called upon to ſay, how he could aſſert that the Nabob had been always

inclined

inclined to reſume the jaghires, and would have done it if he had not been withheld by the Engliſh guarantee? The anſwer we were not well able to underſtand; the witneſs ſaid ſomething about the Nabob's wiſhing to reſume only *ſome* jaghires, but Mr. Haſtings would have him reſume *all*.

He was aſked, if the ſecond article of the treaty of Chunar did not leave the Nabob at liberty to reſume ſuch jaghires as he ſhould think proper to reſume? He ſaid, it did. He was aſked then, if the meaning of that article was, that the Nabob ſhould reſume thoſe that he did not think proper to reſume? He replied in the negative. He was deſired then to reconcile, if he could, a treaty which gave the Nabob *leave* to reſume *ſuch* as he ſhould *pleaſe*, with an *order* that he *ſhould* reſume ſuch jaghires as he *wiſhed not* to poſſeſs himſelf; nay, that he ſhould reſume *all*. Mr. Middleton admitted, that upon the face of the treaty, the order juſt mentioned and the treaty itſelf were irreconcileable. He ſaid, however, that from the beginning he had told the Nabob that he muſt reſume *all* the jaghires.

Mr. Sheridan contended, that in this the witneſs had flatly contradicted what he had ſaid on a preceding day on the ſame ſubject, when it appeared from his evidence, that the Nabob's reluctance had been expreſſed when the reſumption of the Begums' jaghires was mentioned to him; for at that time the reſumption of no other jaghires had been ſo much as hinted to him. The former evidence was read, and Mr. Middleton was endeavouring to reconcile* what he had ſaid, when the Lord Chancellor obſerved, that the diſcuſſion of this point might take up much time, and it was then near ſix o'clock †. The point was then dropped, and their Lordſhips adjourned.

TWENTY-FIFTH DAY.
THURSDAY, MAY 8.

Mr. Middleton was called again to the bar this day, and his examination and croſs-examination laſted till the riſing of the Court, at half paſt five o'clock. It appeared, from one of his letters, that a man was kept in the Company's pay, at Fyzabad, for the purpoſe of forwarding ſuch letters as might be addreſſed to the Reſident at Lucknow, and of tranſmitting whatever intelligence ſhould come to his knowledge, that was in any degree important. He was aſked, what was the name of this man? He ſaid, it was *Goulaſs Roy*. He was aſked, if this man had not been ſent to Benares to depoſe whatever he had heard relative to the rebellion of the Begums, being ſuppoſed to be well acquainted with every thing that had paſſed at Fyzabad? On this point the witneſs was not able to ſpeak with any certainty. A paſſage of a letter was then read to him, written by Major Davy, informing him that Goulaſs Roy having been examined, and his depoſition taken, relative to the rebellion of the Begums, had been ſent back to Fyzabad. He was then aſked, why this depoſition did not appear among the other affidavits? He replied, that he did not know until he heard

* They who look for every witneſs to deliver himſelf with ſuch perſpicuity and addreſs as Sir Elijah Impey and Major Scott, will look more often than they find. How intellectual Mr. Middleton may be, ſeems pretty obvious. And yet in Weſtminſter, as elſewhere, things are not always as they ſeem. Ignorance may be loquacious, and genius mute. Sir W. Yonge, of George the Second's time, had the trick, without three ideas in continuity, to *talk himſelf into* 3000l. *a-year!* while Pope, when appearing for his friend Atterbury, faltered into forgetfulneſs of all his fine powers—and in the few ſhort lines which formed his teſtimony, he committed as many *tranſgreſſions againſt grammar!*

Mr. Middleton is not meant further to be likened to Pope.—Wits may have ſhort memories. It would be well if each ſhort memory had wit. If it was ſo, embarraſſment had been changed into ſelf-poſſeſſion, and we ſhould have ſplendour in the place of obſcurity.

Mr. Middleton was more agitated, and therefore more confuſed, than ever. The queſtions put to him, he apprehended tardily; and his anſwers often were ſo perplexed, as to make them yet more tardily apprehended in return.

In the courſe of this prolix detail, Mr. Sheridan managed moſt of the matter. A few queſtions came from Mr. Fox; and when Mr. Adam let fall a few words on their ſide, protecting their witneſs, the Chancellor very properly let him know, that "every witneſs is in the protection of the Court."

The word "CAPTION" appearing in ſome of the Benares papers—Mr. Burke, with his wonted promptitude and force, obſerved on its peculiarity—"That this was a flower "not likely to have been gathered among Oriental growths; but that it was to be traced "ſpringing on very different ground." Then flinging away his flower, he ſaid, "it ſmelt "of the caſk."

† The Court was very thin—ſcarcely ten women of faſhion, and not twenty of the Commons!

this

this letter read, that Goulaſs Roy had been examined, and therefore he was not able to account for the non-appearance of his depoſition: nor did he know any native by name, who had made an affidavit before Sir Elijah Impey. He ſhewed Col. Hannay his orders from Mr. Haſtings, to find out who knew any thing relative to the conduct of the Begums; and as the perſons who were moſt likely to know ſuch things, were native officers in Col. Hannay's regiment, he left it to him to find them out. He was aſked, if Col. Hannay was not accuſed by the Begums with having occaſioned all the diſturbances in Oude? He replied, that he believed the Begums had made ſuch an accuſation. Mr. Burke then deſired the witneſs would ſay, whether he thought it was decent or juſt to commit to a perſon ſo accuſed, the charge of finding out witneſſes to blacken his accuſers? He ſaid, he did not commit ſuch a charge to him; he barely communicated to him the orders which the Governor-General had ſent to the witneſs.

Mr. Law aſked, if the jaghire left by the late Nabob to the Bow Begum was conſiderable? He replied, that, in his opinion, it was not worth more than two lacks of rupees a year; but that her ſon, the preſent Nabob, had given her other jaghires, making her whole income *ſix lacks* a year. He was aſked, whether the Begum was not reputed to have had a large, and what, ſum in her poſſeſſion at the time of her huſband's death? He replied, that it was computed ſhe had two crores, or 2,000,000l. This treaſure he conceived to be the inheritance of the preſent Nabob, though it was in the Zenana; for the late Nabob reſided at Fyzabad, where his widow ſtill reſides, and he had no other treaſure than that which was depoſited in the Begum's Palace. He conſidered the Begum only as the Nabob's treaſurer, and not the owner of the wealth: and a circumſtance had occurred which induced him to form this opinion. When the late Nabob was proſecuting the Rohilla war, he gave the witneſs a draft for 15 lacks, to be paid out of this treaſure at Fyzabad; the draft, however, was not honoured: the Begum, who was at that time with him in the camp, then drew for the ſame ſum, and her draft was immediately paid. Mr. Sheridan aſked, if this fact did not prove directly the reverſe? for as the Nabob's order for the money had been diſregarded, and the Begum's duly honoured, it would appear that the fund upon which both had drawn belonged to the Begum, and not to her ſon.

Mr. Sheridan, in order to ſhew that the treaſures left by Sujah ul Dowlah could not be ſo great as the witneſs had thought them to be, aſked what was the ſum that the late Nabob was to pay for our aſſiſtance in EXTERMINATING the ROHILLAS? The witneſs replied, forty lacks; fifteen were paid before the death of the Nabob, and ſince that period the Begums had paid fifty-ſix lacks, 560,000l. Mr. Sheridan left it then to their Lordſhips to judge, whether ſhe could have 2,000,000l. ſterling in the Zenana.

Mr. Law aſked, whether the Begums had not a conſiderable body of troops in their jaghires? whether they were not independent of the Nabob? whether the Begums Miniſters did not frequently oppoſe the Nabob's officers? whether his Highneſs had not frequently expreſſed a wiſh that the jaghires of his parents were reſumed? and whether he had not complained, that two rulers, meaning himſelf and his mother, were too many for one country? The witneſs replied, that the Begums had troops, which were certainly independent of the Nabob, whoſe officers had often been reſiſted by them, under the orders of Bahar and Jewar Ally Chan, the Begums Miniſters; and for theſe and other reaſons, he would have reſumed the jaghires, if he had not been withheld by the Engliſh guarantee; but he did not recollect preciſely that he had heard him ſay, "two rulers were too many for one "country."

In anſwer to ſome queſtions put to him by Mr. Sheridan, he ſaid, that every perſon holding a jaghire was obliged to have troops; that they were neceſſary for the collection of the revenue; that the Nabob had frequently attempted to incroach upon the jaghires of his parents, whoſe Miniſters, as they were in duty bound, reſiſted the incroachments; and this diſcharge of their duty was, he believed, one of the reaſons that made the Nabob diſlike them.

Mr. Sheridan then undertook to ſubſtantiate, that the keeping the Nabob's family, portioning the daughters, &c. &c. was always thought to be a neceſſary part of his allowance: That he had complained of the Engliſh, as the ſource of all his difficulties: That two gentlemen were mentioned—whom Mr. Middleton did not remember, though he *recollected* they were named in the letter—Theſe two gentlemen proved to be Mr. Briſtow and Mr. Middleton—the former of whom, Mr. Burke obſerved, "had *the politics*, the latter *the money*."

The letter was read by the Clerk.

Mr. Law here obſerved, they could not get acceſs to theſe letters, as they were taken away each night by the Hon. Managers.

The Lord Chancellor, with that perſpicuity which diſcriminates on, and

every thing, ſaid, "They were, or ſhould be, depoſited in the Parliament Office—that *both parties* ſhould have acceſs to them, when found neceſſary, but that *neither* ſhould remove them at their pleaſure."

Mr. Sheridan aſked the witneſs, whether, after the late Nabob had been defeated by the Engliſh at the battle of Buxar, the Begum had not repaired to him with all her treaſure? He replied, that ſhe had repaired to him, and had carried with her valuable effects, on which ſhe raiſed great ſums for his uſe; and this mark of fidelity and attachment to her huſband, in the critical moment of his diſtreſs, was, the witneſs admitted, the foundation of the unbounded love he ever after entertained for her. The witneſs alſo admitted, that he had heard the Begum had prevented her huſband from putting his ſon, the preſent Nabob, to death; and had, by her great influence over her huſband, prevailed upon him to ſingle *her* ſon out from all his other children, and conſtitute him his heir.—This evidence was given to prove, that if theſe Princes had greatly enriched the Begum through gratitude, it would not be fair to ſay that they did not give her a *property* in the wealth, and more particularly, as the Begums were obliged to ſupport the family and children of the late Nabob, and give them fortunes on their marriage.

Mr. Sheridan aſked the witneſs, if all the articles of the treaty of Chunar had been faithfully obſerved by the Engliſh? He replied, that he could not anſwer the queſtion, unleſs he was to read the whole treaty, and all the correſpondence. Mr. Sheridan then ſaid, he could aſk him a more ſimple queſtion—Had *any one* article of that treaty been kept? The witneſs could not tell. Mr. Sheridan aſked him, if any articles of it had been kept except thoſe which were diſagreeable to the Nabob, and which the witneſs had aſſured that Prince, Mr. Haſtings never intended ſhould be enforced? The Counſel ſaid, the queſtion was too broad. Mr. Sheridan ſaid, he did not mean to preſs the witneſs to anſwer it.

But he would aſk this queſtion—At what period had the Nabob ſtipulated that the temporary brigade belonging to the Company, and then in his ſervice, ſhould be withdrawn? The witneſs replied, that it was on the 19th of September.

Mr. Sheridan upon this remarked, that this was the very period when the ſuppoſed rebellion of the Begums was raging. He left it to their Lordſhips to judge, whether the Nabob would inſiſt, that the only troops on which he could depend ſhould be diſmiſſed, *flagrante bello*, juſt at the moment, when, if ſuch a war was actually exiſting, he had the greateſt occaſion for their ſervices.

A very long examination then took place on the ſubject of the witneſs's books of correſpondence. The laſt letter in one of theſe books, written on a ſheet *bound* up with the reſt of the book, was dated the 19th of October; immediately follow ſome looſe ſheets, not bound up; and on the firſt of them is another letter, bearing date alſo the 19th of October. Theſe two letters were not copied at the ſame time, or on the ſame kind of paper; for theſe two ſheets, though immediately following each other, have different *water marks*. Now the former of the two letters, bearing the ſame date, was written by Major Gilpin to Mr. Middleton, and incloſed copies from the Bow Begum of the letters that had been ſent to her by Col. Hannay and Capt. Gordon. But theſe copies ſhould have been inſerted in the official book, immediately after the letter from Major Gilpin, in which they had been incloſed.—Mr. Middleton ſaid he had left copies of them in the office.

Lord Loughborough aſked, why he had not ſent theſe copies to Calcutta, particularly as the Begum had requeſted that he would ſend them as inſtruments of her defence, and vouchers of her innocence? He ſaid, he was then retiring from his office, and transferring the duties of the Reſident to Mr. Briſtow, previous to his departure for Calcutta.—The noble and learned Lord aſked, why he had not carried with him letters of ſo much importance, and delivered them to the Governor on his arrival at Calcutta?—He did not think it was neceſſary; he preſumed his ſucceſſor in office would ſend them.

Lord Loughborough obſerved, that it appeared from a letter from Mr. Haſtings to the witneſs, that he was directed by the former to enquire who were able to give any evidence relative to the diſaffection of the Begums; to deſire that they would make depoſitions of all they knew; that they ſhould be very particular as to *dates* and *places*; that no depoſition ſhould be drawn up in a language which the deponent did not underſtand; and that perſons ſhould be preſent, who ſhould take care that the deponents were duly ſworn, according to the forms preſcribed by their reſpective religions for taking oaths; or if any ſhould ſcruple to take an oath, that their affirmation ſhould be taken with the uſual ſolemnity.—Now the learned Lord wiſhed to know, if the witneſs could ſay, after the receipt of ſuch a letter, that he did not know, of his own knowledge, that any native had made an affidavit? Mr. Middleton replied, that he had ſhewn the letter to Colonel Hannay,

Major

Major Macdonald, and Captain Gordon, and had left it to them to follow them.

The noble Lord aſked, if theſe gentlemen could ſpeak the Perſian language? He ſaid Captain Gordon could, but he believed the others could barely underſtand it, if it was read to them. Lord Loughborough aſked, how he could commit to others the diſcharge of a duty impoſed upon himſelf, and for which thoſe others were not at all qualified? He could not tell why he had done ſo. He was aſked, if he had appointed proxies to ſeize the Begums treaſure, or whether in that caſe he had executed in perſon the orders of the Governor-General? He admitted that theſe orders he had carried into execution in perſon.

He was afterwards very cloſely examined by Lords Loughborough, Stormont, Stanhope, and Hopetoun, about the mutilated ſtate of his books. He ſaid, he never intended to ſay they were perfect copies, he had them taken only for his own private uſe, he had lent them while at Calcutta to Mr. Johnſon, who wanted ſome letters in it for his defence againſt a charge brought againſt him by the Governor-General. He admitted that it appeared that leaves had been torn out of them; but he declared, that this had not been done by him, or with his conſent, or even knowledge.

One very remarkable circumſtance in this caſe is, that one of the letters copied in a looſe ſheet, is in the hand-writing of *two different perſons*, and it was admitted by the witneſs, that one part was copied at Lucknow, the other at Calcutta; and if this letter was copied from the original book left in the Reſident's office at Lucknow, it was incomprehenſible how part of it could have been copied at Calcutta.

With this examination the buſineſs of the day terminated, and the Court adjourned, at half paſt five o'clock, until May 20.

Twenty-sixth Day.

Tuesday, May 20.

After an adjournment of ten days, during the Whitſun holidays, the Court again reſumed its functions in all due form. At twelve o'clock, Mr. Burke called upon the Clerk to read ſome Perſian Correſpondence, conſiſting of letters from Hyder Beg, the Vizier, the Nabob, and from the Governor-General.

After theſe had waſted nearly two hours, Mr. Burke wiſhed to corroborate the evidence already adduced, by an extract from a Perſian Newſpaper! The weight which this might have, ſeemed at firſt to be uncertain, as a record in a Court of Juſtice; but the Manager declared it had great authenticity, and the Clerk finiſhed the Newſ. paper.

Mr. Sheridan then proceeded to declare to their Lordſhips, that the Managers intended to produce evidence to prove, that the Nabob Vizier was a mere cypher in his own dominions, and that the government of them, though nominally in that Prince, was really and effectually in the Eaſt-India Company; and conſequently, that Mr. Haſtings was reſponſible for the mal-adminiſtration of the provinces of Oude, while he was the repreſentative of the Company, as their Governor-General.

He obſerved to their Lordſhips, that it was the more neceſſary he ſhould relate theſe circumſtances, as Mr. Haſtings had aſſerted in his defence, that "It was NOT true that "the Nabob of Oude was ever under the "controul of the Bengal Government in the "extent ſtated in the charge:—That the "Reſident, who repreſented the Council-"General, had an influence at his Court, "could not be diſputed; but that it was "notorious, that the acts of the Nabob's "Government were, on various occaſions, "remonſtrated againſt, and ineffectually "oppoſed by the Reſident, as might be ſeen "by the public correſpondence of Meſſrs. "Middleton and Briſtow:—That it could "not, therefore, be admitted that the En-"gliſh name and character were concerned "in every act of his government, or in any "not authorized by them."

Mr. Sheridan ſaid, he truſted that the Managers would be able to prove, to the ſatisfaction of the Court, that the Engliſh name and character were really and truly concerned in every act of the government of Oude.

The proofs produced were authentic written documents from the records of the India-Houſe. From theſe it appeared, that even prior to the time when Mr. Haſtings was appointed Governor-General, the Nabob of Oude was entirely dependent upon the Company; and that the priſoner had afterwards ſo far degraded him, as to leave him nothing more than the name of a Sovereign: that whatever favourite Miniſter the Governor-General deſired he would remove, he had immediately removed; and that he raiſed to the rank of Miniſters thoſe whom Mr. Haſtings was pleaſed to recommend, or rather to appoint. Letters were produced from the Miniſters who had been appointed on the recommendation, or rather nomination, of Mr. Haſtings, returning that gentleman thanks for their appointment, and acknowledging themſelves to have derived their then ſituation from him. The Manager proved, by other letters, that the neighbouring Princes

conſidered the Engliſh as the *maſters* and *rulers*, not the *protectors* or *allies*, of the Nabob of Oude. A letter from Fyzoola Khan, the only remaining Prince or Chief of the Rohillas, to the Governor and Council, ſhewed, that the once flouriſhing country of Rohiland was running faſt to decay; that *thouſands* of villages in it had been deſerted; and that if ſome remedy was not ſpeedily applied by the Company, the whole country would, in a year or two, be reduced to a wilderneſs. Fyzoola Khan ſtated, in this letter, that it was his regard for the Company, and its honour, that made him write upon a ſubject in which he had no longer any perſonal concern.

Other letters were produced from Perſian Newſpapers, publiſhed by authority, like the London Gazette, and recorded by Mr. Haſtings himſelf, which proved that other neighbouring Princes, and particularly the Emperor of Hindoſtan, looked upon the Governor-General as the real Sovereign of Oude. Letters from the Nabob himſelf clearly proved the ſenſe he entertained of his own little weight in the government of his own country; for he ſaid he would leave it entirely, and go to the Governor-General, and reſide with him. But no proof was ſo ſtrong as a letter from Mr. Haſtings himſelf to Mr. Briſtow, the Engliſh Reſident at Lucknow; in which, complaining of Hyder Beg Khan, Miniſter to the Nabob, whom in other reſpects he before, and ever ſince, ſupported againſt his maſter, he makes uſe of the following contemptuous language of the Prince himſelf:—"By an abuſe of his "influence over the Nabob, he (the Nabob "himſelf) being *(as he ever muſt be)* in the "hands of ſome perſon A MERE CYPHER, "in his (the Miniſter's) DARED to make "him (the Nabob) ASSUME a very UNBE-"COMING tone of refuſal, reproach, and "reſentment, in oppoſition to *meaſures re-"commended by* ME, and even to *acts done by* "MY *authority*."

It was proved, that the meaſure of ſtationing a brigade of the Company's troops in Oude, at the expence of the Nabob, but paid by him through *the Company*, and governed *by him*, had been oppoſed in the Supreme Council, and that Mr. Francis and Sir John Clavering had both proteſted againſt it. The proteſt of the former was very ſhort. It ſtated, that ſuch a meaſure muſt neceſſarily appear to all ſurrounding nations as *compulſory*, becauſe it was not in nature, that an *independent* Prince ſhould *voluntarily* agree to a meaſure that *virtually* DETHRONED him. Sir John Clavering proteſted againſt it, becauſe the taking from a Sovereign Prince the government of his ſubjects, and the entire dominion over his army, was contrary to the laws of juſtice and of nations.

After the documents by which theſe different points were eſtabliſhed, had been read, Mr. Sheridan informed their Lordſhips, that the Managers intended to give ſome *parole* evidence, to prove that the charge brought againſt the Begums, of their having rebelliouſly joined Cheyt Sing, was totally groundleſs; and that it was a calumny propagated for the purpoſe of giving a colour to the infamous act of plundering theſe Princeſſes: for this purpoſe Mr. Sheridan deſired that

Captain EDWARDS

might be called in.

From the teſtimony of this gentleman it appeared, that he had been between *ſeven* and *eight* years in Oude, in a military capacity; and that for the latter part of the time he had been Aid de Camp to the Nabob, and conſtantly about his perſon. He attended his Highneſs from Lucknow to Chunar, when the Prince joined Mr. Haſtings at that place. The Nabob, hearing that Cheyt Sing had taken arms againſt the Company, and that the Governor-General was reduced to great ſtraits, poſted from Lucknow with all the cavalry and infantry he could muſter, and ſent orders to all the other troops he could ſpare from other quarters, to join him at Chunar. Captain Edwards attended the Nabob to Chunar; but neither at that place, or on his way to it, had he ever heard a word of the diſaffection of the Begums, or of their being in arms; and he was very ſure, that if common report had ſtated them to be diſaffected at the time, and in arms, ſuch report muſt have reached his ears; but he never heard any thing of the kind whilſt he was at Chunar, nor for above a fortnight after he had left it.

On the Nabob's return to Lucknow, the witneſs attended him. When they had got within a ſhort diſtance of that capital, the Nabob, with Mr. Middleton, and the Miniſter Hyder Beg Khan, turned off to Fyzabad, and the witneſs went on to Lucknow. The Nabob travelled ſo faſt, by means of relays of elephants (on which he had heard he had travelled near 60 miles in one day) that he could not take his infantry with him; nor had his *cavalry* been able to keep up with him; ſo that in fact he arrived at the reſidence of his mother and grandmother without any troops at all. The rabble and camp-followers of the Nabob might amount to about 30,000. [N. B. This was at the time when Mr. Haſtings would have it believed that the Begums were in rebellion; and though it was ſaid that the Begums intended

tended to dethrone their ſon, yet he without heſitation paid them a viſit without a guard.]

The witneſs ſaid, that when he firſt heard of the charge of rebellion brought againſt the Begums, the report was, that they intended to drive the Engliſh out of the country, dethrone the Nabob, and place a more favoured brother, Saadit Ally, on the throne. The Nabob, he believed, had not heard of this report at Chunar, or for a long time after; for he was ſure that if he had heard of it, he would have been the firſt to take the alarm, on account of the danger which threatened him perſonally, and would have immediately communicated the alarm to the Engliſh; but he, in fact, did no ſuch thing. Had the whole of this regular cavalry, that attended the Nabob when the witneſs and he parted, accompanied him all the way to Fyzabad, it would have been found to be greatly inadequate to the taſk of defending his perſon againſt an attack from the troops of the Begums, if any attack had been made; for the number conſiſted of no more than 600, badly mounted, badly accoutred, almoſt naked, and ill paid: their pay was 15 or 16 months in arrear; they were diſaffected on that account, and he had known them refuſe to go upon ſervice, becauſe they were not paid: in a word, they were troops on which no dependence could have been placed; but had they been the beſt in the world, they could not have preſerved the Nabob's perſon from danger at Fyzabad, if it had been in any; for his Highneſs had outtravelled them, and left them on the road behind him.

The witneſs was examined next as to the ſtate of the country in 1774, under the late Nabob Sujah ul Dowlah, and in the year 1783, under his ſon, the preſent Nabob, Aſoph ul Dowlah. He ſaid, that at the former period, the country was in a moſt flouriſhing condition, as well in point of agriculture, as of manufactures and commerce, and the people were in a ſtate of happineſs and proſperity. But at the latter period, the country, in many places, bore the ſtrongeſt marks of deſolation; and the inhabitants, reduced to poverty and wretchedneſs, were obliged to abandon their homes, and fly from the places of their nativity. He ſaid, that he had heard from common fame, that the people aſcribed their diſtreſſes to the oppreſſions of Lieut. Col. Hannay. He was aſked, if he believed common fame had carried the tidings of theſe oppreſſions to the ears of Mr. Haſtings? He anſwered, that he was inclined to think it had not; for he believed, that had Mr. Haſtings heard of oppreſſions, he would inſtantly have removed the author of them. He was aſked, whether the deſolation of the country had not been occaſioned by the long drought with which the provinces of Oude had been afflicted? He replied, that it had not; for during the whole of his reſidence in that country he had never heard of a drought; nor did the people depend ſo much upon rain for fertilizing their fields, as upon waters preſerved by them in wells, and collected from different rivers.

This witneſs being done with by the Counſel, different Lords aſked him queſtions —Lords Porcheſter, Hawke, &c. The latter aſked much about the attendance on the Nabob's *hunting*, in order to aſcertain the numbers of the troops that followed him.

Mr. Sheridan and the Court having done with Capt. Edwards, the former deſired that

Colonel ACHMUTY

might be called.

This gentleman had a command in a place 300 miles diſtant from Fyzabad, and therefore he could ſay nothing of his own knowledge about the rebellion of the Begums. He could only ſpeak, he ſaid, from report to the tranſactions at Fyzabad and Benares, on account of the diſtance between thoſe places and his ſtation. Being aſked what that diſtance was? he excited a ſmile more than once, by referring the Lord Chancellor from his *memory*—which he could not truſt—to the *Book of Roads* publiſhed under the direction of the Company!

He had heard, however, of the diſturbances at Benares, and was even preparing to ſend forward a battalion of ſepoys at the very time when official inſtructions for that purpoſe were ſent to him by Major Palmer. He had alſo heard of the ſeizure of the Begums treaſures, but he had *never* heard of thoſe Princeſſes being in a ſtate of rebellion! Sir Elijah Impey, on his going to Chunar, and Mr. Haſtings, on his return, had both viſited him at his cantonments, but from neither of them had he heard a ſingle word of the rebellion.—Col. Achmuty being croſs-examined by Mr. Haſtings' Counſel, was aſked, whether it was the cuſtom of the latter gentleman to ſpeak of public buſineſs at table? He replied, that he had never been in the confidence of Mr. Haſtings.—He was aſked, if the Begums, ſuppoſing they had intended to drive the Engliſh from Oude, had ſtrength ſufficient to accompliſh ſuch a purpoſe? He replied in the negative. He ſaid further, that the accompliſhment of ſuch a project was, in his opinion, impoſſible. He had heard of the complaints of the inhabitants of Barach againſt Col. Hannay; and, as far as he could learn, their opinion of that gentleman was very unfavourable, or rather it was a very bad one; but of the grounds of that opinion the witneſs could ſay nothing of his own knowledge.

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Being queſtioned with reſpect to oppreſſion, the witneſs replied, that "*he did not "believe from the* GENERAL CHARACTER "*of Mr. Haſtings, that he would oppreſs any "body*"

Lord Cathcart aſked ſome queſtions. This witneſs being diſmiſſed, further written evidence was proceeded on till five o'clock, when the Court adjourned.

TWENTY-SEVENTH DAY.
WEDNESDAY, MAY 21.

The proceedings were on this day reſumed by reading various extracts from the Perſian Correſpondence, &c. for the purpoſe of proving the devices that had been uſed to veil in myſtery the tranſactions which gave riſe to the preſent charge;—that the correſpondence which ſhould have been preſerved fully, fairly, and explicitly, for the information of Mr. Haſtings' conſtituents, had been garbled and mutilated; and that, leſt this ſhould prove inſufficient, a *ſubornation* of letters, as Mr. Sheridan termed it, had taken place; that is, letters were procured as coming from ſeveral of the natives, but who were ſo far from writing them, that they were as ignorant of the contents, as averſe to the ſentiments which they contained.

In the courſe of their reading, Major Scott was called in, and a paſſage from his examination the laſt time he appeared was read. He ſaid, that he was aſked if any communication had paſſed relative to *preſents* through him, from Mr. Larkins?—to which he had anſwered, by relating the extent of the communication.—That a ſecond queſtion was put, if any other communication had paſſed?—to which he had anſwered No, ſuppoſing it ſtill to refer to Mr. Larkins; but upon peruſing the Minutes of the Evidence, he found that the queſtion was general, and therefore he begged leave to ſay, that he had a communication with Mr. Devaynes, the Chairman of the Direction, in June or July 1785, to whom he wrote every particular relative to the preſents that it was in Mr. Haſtings's power to give. He alſo begged leave now to anſwer poſitively to a queſtion which a noble Lord had put to him the laſt day he was examined; for he found, from the Admiralty diſpatches, that the Nymph was ſent from Trincomale by Sir Edward Hughes, on the 15th of January 1782, with an account of the capture of that place and Negapatnam.

Earl Camden, without meaning the ſlighteſt reflection on the Hon. Gentleman under examination, ſaid it was irregular and informal to correct any evidence at a diſtance of time after it was given.

Mr. Sheridan aſked Major Scott, when he had found out the miſtake in his evidence which he wiſhed to correct? The Major ſaid, he wiſhed to correct no miſtake, for he had made none; but one queſtion put to him might bear two conſtructions. He had ſuppoſed it to relate to Mr. Larkins, and had anſwered it correctly; but the moment he ſaw it in the Minutes, he found that the queſtion was general, and therefore he wiſhed to ſtate the anſwer correſpondent with the fact. He did not wiſh to alter one word of any evidence he had given.

Here ſome altercation took place between Mr. Sheridan and Major Scott—the former aſſerting, that there was a contradiction between his evidence and the fact, relative to the firſt information given by Mr. Haſtings of the preſents from Cheyt Sing.

The Lord Chancellor aſked Major Scott, how he reconciled that contradiction? who replied, that without having the Minutes before him, he would boldly ſay, there was not the ſlighteſt contradiction between his evidence and the fact; but that the Hon. Manager, by introducing the word *Board* in his ſpeech, which was not in Major Scott's evidence, had attempted to fix upon him the charge of contradiction; but that he was confident, if their Lordſhips would have the goodneſs to turn to the evidence he had the honour to give when laſt before them, they would find it perfectly correct. The Major further ſaid, that as ſoon as he read the Minutes of the Evidence at Mr. Cowper's two days ago, he ſaw that he had actually miſunderſtood one queſtion put to him, which inſtead of being, as he ſuppoſed it was, a queſtion confined to Mr. Larkins, was in fact a general queſtion, and might apply to any communication with any perſon.

The evidence of Major Scott being finiſhed,

Other written documents were read, to ſhew that the reſumption of the jaghires, and the ſeizure of the Begums treaſures, were ſo far from having been propoſed by the Nabob, or from being agreeable to him, that he had done every thing in his power to prevent them; nay, that Mr. Middleton and Mr. Johnſon, the Aſſiſtant Reſident, had ventured to ſuſpend, for ſome few days, the execution of the Governor-General's orders, for troops to march to Fyzabad for the purpoſe of ſeizing the treaſures, becauſe they ſaw that the Nabob had an unconquerable reluctance to the ſtep, and were apprehenſive of the moſt dangerous conſequences from meaſures, which none appeared forward to promote but the Nabob's Miniſters and the Engliſh.

The Managers cauſed next to be read a minute of Council, held at Calcutta after the departure of Mr. Haſtings, and after Mr. (now *Sir* John) Macpherſon had ſucceeded to

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the government. This minute proved, that from the year 1781 to the year 1785, the Company's official Perſian tranſlator had not been called upon to tranſlate any Perſian correſpondence, except during a ſhort period, when Major Davy, the confidential Secretary of Mr. Haſtings, was abſent on ſome buſineſs on which that gentleman had diſpatched him—That, after the departure of Mr. Haſtings for Europe, a trunk full of Perſian letters was delivered to the tranſlator by a Mr. Scott at Calcutta.—The Managers had proved, in an early ſtage of the buſineſs, that, though the whole of the Perſian correſpondence was carried on in the name of, and by the Governor-General only, yet he was bound, by the Company's orders, to communicate to the Council, all Perſian letters at the next ſitting after the receipt of them; and this day they proved, that the Perſian correſpondence had, for near five years, been ſuppreſſed, and withheld from the knowledge of the Council.

After this a letter was read from the Nabob to Mr. Haſtings, in which he complained, that from the manner in which his country was harraſſed by the Engliſh gentlemen ſtationed in it, his life had become a burden to him; that *who would* might govern his dominions, for *he* was reſolved to abandon them, and repair to Calcutta to reſide with Mr. Haſtings.

Various other letters were read relative to the reſumption of the jaghires, in which not ſo much as a trace could be found of a charge that the Begums had been guilty of rebellion.

The Managers offered in evidence ſome letters which had been delivered to the Houſe of Commons by Sir Elijah Impey. The Counſel for Mr. Haſtings obſerved, that theſe letters ought to be authenticated before they could be read at their Lordſhips bar: their having been authenticated before the Houſe of Commons was no reaſon why their Lordſhips ſhould admit them as evidence at preſent, without any further proof. The Managers admitting the objection, called

Sir ELIJAH IMPEY

to authenticate the letters in queſtion. He was aſked whether they were not the ſame that he had delivered to the Houſe of Commons.

Sir Elijah begged leave to remark, before he ſhould anſwer the queſtion, that he was very much at a loſs how to give evidence without expoſing himſelf to cenſure: he had been charged in another place with having given his teſtimony before their Lordſhips in a contumacious, arrogant, and inſulting manner.

Here he was interrupted by Mr. Sheridan, who ſaid that he hoped their Lordſhips would not ſuffer the witneſs to entertain the Court with what had paſſed in another place, reſpecting the evidence he had given, but would direct him to give a plain anſwer to a plain queſtion that had been put to him.

The Lord Chancellor obſerved, that the witneſs not having ſtated any objection to the queſtion, he would of courſe proceed to anſwer it.

Sir Elijah replied, that he felt a peculiar degree of embarraſſment in his ſituation: it had been ſaid of him elſewhere, that he had ſpoken more like an accuſer than a perſon accuſed, though he was not conſcious of having held any language, in the courſe of his evidence, that could have afforded the leaſt room for ſuch an obſervation. His embarraſſment was increaſed by this circumſtance, that he ſtood accuſed in another place of high crimes and miſdemeanors, and the evidence which he ſhould give upon the preſent trial, might be turned againſt himſelf.

Mr. Fox, addreſſing the Court, ſaid, it was very diſorderly in the witneſs to ſpeak of things that had paſſed in a place where he himſelf could not, or, at leaſt, ought not to have been. If he really had been there, he reported very unfaithfully what he had heard; but if he had ſtated it ever ſo correctly, their Lordſhips knew very well, that, conſidering the place where the expreſſions of which the witneſs was ſpeaking had been, or were ſuppoſed to have been uſed, they could not poſſibly take any cognizance of them.

Sir Elijah then ſaid, that he would ſay no more upon that ſubject, but would proceed to anſwer the queſtion put by the Hon. Manager, regardleſs of the difficulties thrown in his way, the embarraſſments to which he was expoſed, and the *ſnares* that were laid for him.

Here Mr. Fox interpoſed again, and with great warmth called upon their Lordſhips to *reprimand* the witneſs for the expreſſion he had uſed, and applied to the Managers acting in the name and behalf of the Commons of England.—It had proceeded from a *levelling* principle, by which he would endeavour to bring perſons ſo acting down to a level with himſelf.—Such a principle it was the duty of the Managers to reſiſt, and they muſt certainly do what their duty pointed out.

The Lord Chancellor ſaid, that, ſitting as he was there, as the Speaker of the Houſe, he could not pronounce any cenſure or opinion of the Houſe without the ſpecial direction of their Lordſhips; at the ſame time he was ready to ſay, that it was improper that altercations ſhould take place, when evidence was what was expected.

Mr. Fox ſtill contended, that their Lordſhips ought to take notice of the very extraordinary expreſſion of the witneſs to a Committee of the Houſe of Commons; and he thought the leaſt that could be done on ſuch an occaſion, would be to *admoniſh* the witneſs on the ſubject.

The Lord Chancellor replied, that without having recourſe to their Lordſhips for their opinion, he might lay it down as a general poſition, that witneſſes were bound to treat with every mark of reſpect Managers appointed by the Houſe of Commons to conduct an impeachment.

Mr. Fox ſaid, that what the noble and learned Lord had juſt expreſſed was as much as the Managers deſired.

Sir Elijah Impey then ſaid, by way of apology to the Managers, that he meant no offence to the Managers; that it was not his intention to treat them with inſolence or diſreſpect.

This little *fracas* having thus terminated, the witneſs anſwered the queſtion put to him, and authenticated the papers, by declaring they were the ſame that he had, on a former occaſion, delivered to the Houſe of Commons. Great numbers of other letters were read to and from the Begum, Mr. Middleton, Hyder Beg Khan, and Mr. Haſtings, relative to the reſumption of the jaghires. From the Begum's letters it appears, that ſhe conſtantly urged the Britiſh guarantee as her complete ſecurity for the enjoyment of her eſtates; ſhe never dreamt of having forfeited that guarantee by any act of rebellion: She ſaid, the Engliſh had already her ſon's dominions in their hands, that they yielded annually *four crores*, or 4,000,000l. ſterling: ſhe aſked if this revenue was not enough to ſatisfy them, and of what little addition to ſo immenſe a ſum could her jaghires be? She ſaid, if they were ſeized, ſhe would quit the country for ever; and ſhe concluded by wiſhing,—"If "I am to be baniſhed from my country, may "the God of Nations refuſe his peace to thoſe "who afterwards ſhall reſide therein."*—The *pathos* of her grief was alſo unimpaired by the Oriental manner of her expreſſion—"Mine eyes (ſaid ſhe) are as a mill, and "tears are as the grain which drop there-"from."

At five o'clock the Court adjourned.

TWENTY-EIGHTH DAY.

THURSDAY, MAY 22.

As ſoon as the Court was ſeated,

Mr. PURLING,

the gentleman who had preceded Mr. Middleton in the Reſidency at Lucknow, was called to the bar, and was examined by the Earl of Suffolk reſpecting the diſpoſition of the Begums, and the circumſtances of the Province of Oude, at the time when he was in office. Speaking to the firſt part of the queſtion, his evidence was deciſive, that no ſymptom of diſaffection to the Engliſh intereſts had manifeſted itſelf during his reſidence:—In the ſecond, he directly contradicted the evidence of Capt. Edwards.

The latter gentleman had declared that he had never remarked, or heard of a drought in the territory of Oude whilſt he was there. On the other hand Mr. Purling ſwore, that during a whole year which he paſſed in the country, and which was one of the ſeven or eight years that Capt. Edwards reſided in it, there had been ſo great a drought, that he did not remember there had been more than *three days* rain during the whole year.

After this witneſs had withdrawn, Mr. Sheridan cauſed ſome letters from Mr. Haſtings to be read, to prove, that though in his narrative he had declared the reſiſtance of the Begums to the reſumption of their jaghires, to have been the cauſe that made him ſeize the treaſures of the Princeſſes; the treaſures, in fact, had been ſeized three months before that period, and that conſequently the reaſon aſſigned by Mr. Haſtings for ſeizing them was founded in falſehood.

Mr. Sheridan alſo produced evidence to prove, that the account which Mr. Haſtings ſubmitted to the Council at Calcutta, of his proceedings with reſpect to the Begums, as well as to Cheyt Sing, and which account had procured him the approbation of the Council, was, as Mr. Sheridan termed it, a ſtring of falſehoods.

After a great variety of papers had been read, Mr. Sheridan deſired that

Sir ELIJAH IMPEY

might be called.—The witneſs having appeared, he was aſked, if he would be glad

* This prayer of a female made all the Court laugh very heartily.

In another inſtance there was ſome entertainment: The Begum, in a letter to Mr. Haſtings, ſaid, "ſhe was accuſed of oppoſing Mr. John Gordon, by her Aumeel;" and ſhe added, "Mr. John Gordon is with you; you may aſk him yourſelf of the truth, and then it will be "diſcovered." A laugh followed, and the eyes of the Lords and the audience were turned towards Capt. Gordon, who ſat in the front ſeat of Sir Peter Burrel's box.

Mr. Sheridan ſaid, the Counſel for Mr. Haſtings gave him to underſtand, that the laugh was, becauſe Captain Gordon was preſent; but that he would not call him, as he had taken no notice in his affidavit of the letter he had written to the Begum.

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of having an opportunity of correcting his evidence, if it ſhould appear to him that he had, in any part, fallen into contradictions? He replied in the affirmative. Mr. Sheridan then deſired the Clerk would read to him the evidence he gave before the Houſe of Commons relative to the opinion he had given to Mr. Haſtings of the legality of ſeizing the Begums jaghires.—The Hon. Manager then aſked, if the witneſs perceived no variance between what he had juſt heard read, and the evidence he had delivered at their Lordſhips' bar? Sir Elijah ſaid he perceived there was a variance, ariſing from the inaccurate way in which he had expreſſed himſelf before the Commons; for, from what he had ſaid before them, it might be inferred that the rebellion of the Begums was raging at the time when he (the witneſs) was giving his opinion to Mr. Haſtings, which was not the caſe; for at that time the rebellion might be ſaid to have ſubſided.—On a croſs-examination by Lord Portcheſter and others, he ſaid, that when he gave it as his opinion to Mr. Haſtings, that the Nabob might lawfully ſeize the property of a ſubject in rebellion, he knew nothing at all of the Company being bound to guarantee that property; he did not know that any ſuch guarantee exiſted, and therefore it could not have had any weight with him in the opinion he had given to Mr. Haſtings.—Upon this he was aſked if he had ever ſeen the treaty of Chunar? He ſaid he had; that Mr. Haſtings had given him a copy of it ſoon after it was concluded. He was aſked, if he had not found in that treaty a clear and diſtinct mention of the Engliſh guarantee, under which the Begums held their property? He replied, that he wiſhed to ſee the treaty of Chunar, that he might be ſure there was any mention of the guarantee in it. Mr. Fox ſaid, the witneſs muſt not ſee the treaty now for the purpoſe for which he called for it; for the Managers did not want to learn from the witneſs what was actually in the treaty, becauſe they could learn that by reading it; but they wanted the witneſs to tell their Lordſhips, whether, having read that treaty, before he gave the opinion in queſtion to Mr. Haſtings, he was really ignorant of the exiſtence of the guarantee. He replied, that he had read the treaty, but that he was nevertheleſs unacquainted, at the time alluded to, with the exiſtence of the guarantee. Mr. Burke aſked him, if one charge againſt the Bow Begum was not that ſhe wanted to dethrone the reigning Nabob, her ſon, and to place Saadit Ally on the throne in his ſtead? The witneſs ſaid he had heard ſo from report. He was aſked, if he believed that report? He anſwered that he did.—He was aſked who Saadit Ally was? He ſaid he underſtood he was a more favoured ſon of the Begum than the reigning Nabob was.—Mr. Burke wiſhed to know if the witneſs knew or believed that Saadit Ally was the Begum's ſon? He declared that he thought ſo, becauſe he had always heard him called the Nabob's brother; but from what he had heard this day, he believed he was not ſon to the Begum, but of another woman who had borne him to the late Nabob. Mr. Burke then aſked, if it was proper for the witneſs to believe, againſt all probability, a report that the Begum wiſhed to dethrone *her own ſon*, in favour of another perſon not her ſon; and whether it became him to give advice about a family of which he knew ſo little? He replied, that when he gave his advice to Mr. Haſtings, it was upon the *ſuppoſition* that the report of a rebellion was true; but that he was not reſponſible for the truth or falſity of that report.

He was aſked, if he had cauſed the contents of the affidavits ſworn by the natives at Lucknow, to be explained to thoſe who made them? He ſaid he had not, becauſe he preſumed that thoſe who came with affidavits ready drawn up were acquainted with the contents of them. He was aſked, if he was ſure that the perſons who ſigned thoſe affidavits in his preſence were, in fact, the perſons deſcribed in the affidavits as the deponents? He ſaid he could not poſitively ſay they were; but he *preſumed* they were; they were for the moſt part *black* officers in Colonel Hannay's regiment, or perſons belonging to the officers; and as they were introduced to the witneſs by Colonel Hannay, he ſuppoſed they would not venture to aſſume names that did not belong to them, or perſonate other men. He was aſked, if he was ſure that the Hindoos had been ſworn, in the way uſual among Hindoos? He really did not recollect whether the Hindoos had made affidavits before him; if they had, he had no doubt but he made them take the oath in the ordinary way among the Hindoos, which was this: A Bramin attends with a braſs baſon, filled with water from the Ganges; into this water the deponent puts his hand; whilſt the Bramin pronounces the form of the oath, and then the witneſs declares that what he is going to ſay ſhall be the truth. He was aſked, whether ſome of the deponents had not been admitted to ſwear two, nay three affidavits in the ſame day? He replied, that he had no recollection of any ſuch thing; but in peruſing the affidavits lately, he found that ſuch a thing had happened.—He was aſked, finally, if he was ſure that Mr. Haſtings had recorded all the affidavits taken by the witneſs; or whether the affidavits which had been recorded were really thoſe which the witneſs had taken? Sir

Elijah ſaid, that all the affidavits which he had taken, he delivered to Mr. Haſtings; but whether he recorded them *all*, or whether thoſe which he had recorded were really thoſe which he (Sir Elijah) had taken, he was not able to tell.

Capt. JAQUES

was next called. He proved that Bahar and Jewar Ally Khan, the Begum's Miniſters, had been priſoners in his cuſtody, and that, by order from the Britiſh Reſident at Lucknow, he had put them *in irons*. He proved, that on one occaſion he had, at the deſire of the priſoners, made an application for leave to take off their irons, becauſe they had taken phyſic; but his application, he ſaid, was not attended with the wiſhed-for ſucceſs—the Reſident informed him that they were the Nabob's priſoners, and he (the Reſident) could do nothing in the buſineſs.—But it appeared that the troops, by which the priſoners were guarded, were part of the Company's 20th regiment of ſepoys, and were commanded by the witneſs, who was a Captain in the Company's ſervice.

The Managers produced ſome copies of letters, written by the Engliſh Reſident to Captain Jaques.

The Counſel for the priſoner objected to their production on the ground, that though Capt. Jaques ſwore that their tenor was the ſame, they could not be proved to have been copied exactly from the originals which were deſtroyed.—This objection being held good, the Managers were proceeding to interrogate Capt. Jaques as to his recollection of the contents of thoſe papers;—but this was again reſiſted by the Counſel, who urged that the Managers had no right to put leading queſtions to their witneſſes.

Mr. Sheridan in reply, inſiſted very ſtrongly, that the Managers were not to be bound by *technical forms* on this occaſion; neither were they bound to conſider thoſe perſons as *their* evidence who were perpetually cloſeted with the Counſel for the priſoner;—perſons who *by accident* called in on his ſolicitor;—*by accident* converſed there with his agent, and who were *by accident* prepared for every queſtion, which was not put too ſtrongly for reſiſtance, and too cloſely for evaſion.

Capt. Jaques then went through a long examination reſpecting the treatment of the priſoners whilſt in his cuſtody. The Miniſters of the Begum, it appeared, had petitioned to be releaſed at one time from their irons, for the purpoſe of taking ſome neceſſary medicines. The witneſs, as humanity required, had communicated their deſire to Mr. Middleton;—but was anſwered, "that "the priſoners were able to pay the ſum of "*twelve lacks* demanded from them—that "on payment of theſe, they ſhould be diſ-"charged altogether;—but that until then "every indulgence muſt be withheld."

At five o'clock the Court adjourned.

TWENTY-NINTH DAY.

TUESDAY, MAY 27.

The proceedings were commenced by a ſhort reading of the correſpondence between Capt. Jaques and Mr. Middleton, when the former was Commandant at Fyzabad.—It related ſolely to the treatment of Bahar Ally Khan, and Jewar Ally Khan, the Miniſters of the Begums, whilſt they were confined, for the purpoſe of enforcing the payment of ſix lacks and a half, ſtated to be the balance due to the Company.

When the letters had been read,

Capt. JAQUES

was called to the bar, and examined. He ſaid, that the Begums' Miniſters, Bahar and Jewar Ally Khan, had been delivered into his cuſtody, as priſoners, by Major Naylor, when the witneſs with his battalion relieved the Major and his detachment at Fyzabad. They were confined, he ſaid, to the houſe of Jewar Ally Khan, which was an elegant and commodious habitation; and they had the liberty of walking in a large garden belonging to it; but at the ſame time they were *in irons*, and ſo cloſely fettered, that they could not ſtep above a foot at a time: one of the priſoners was reputed to be worth *a million* ſterling, but the other was not thought to have much wealth lying by him, as he had laid out a great part of his fortune in building. He ſaid, they were not debarred of ſociety*, as only ſuch perſons were kept from ſeeing them as were ſuſpected of being dangerous to the State: Goulaſs Roy, a perſon in the pay of the Company, pointed out to the witneſs the perſons whom he was not to ſuffer the priſoners to ſee. All letters ſent to the priſoners were opened, and ſuch only were delivered to them as the witneſs did not think to be of any importance.

It was the duty of the witneſs to guard the Khord Mahal, where the women belonging

* The Counſel for the priſoner aſked, whether they were not indulged with *dances* and every other amuſement? The Lord Chancellor ſtared, and aſked, if the priſoners were not in *irons*? This aſſociation inſtantly convulſed the Court with laughter, at the idea of an *allemand* in *fetters*!—The Counſel, after waiting ſome time, until the general gravity was reſtored, ſaid that he did not ſpeak of *dancing* as an exerciſe on the part of the priſoners, but as an exhibition, preſented for their entertainment.

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to the late Nabob were kept. He ſaid, theſe were not the *wives*, but the *concubines* of the late Sovereign, who, though of low extraction, and ſome of them picked up in the market-place for his pleaſures, were held too ſacred to be ſuffered to return back into the world to live with their families, and were kept for life in the Khord Mahal, after they had been *honoured* with the embraces of the Prince, at whoſe expence they were maintained. Captain Jaques ſaid, he uſed no other reſtraint towards theſe women, than to cauſe them to be ſearched (by a female) if they went abroad in their doolies, or covered beds, to take the air. He had it in command to prevent any one from carrying jewels, money, or valuable effects, leſt the Nabob and the Company ſhould be thus defrauded of the wealth which they wanted to take from the Begums, with whoſe palace the Khord Mahal communicated. It appeared, however, that the reſtraint was in the beginning ſomewhat greater, becauſe no woman was ſuffered to go out of the Khord Mahal; and ſo ſtrictly was this point obſerved, that ſome females who went into the Khord Mahal, to viſit their relations there, were taken in labour, but could not get out to be carried home, until leave was given to the witneſs to permit them to return home. He ſaid, the women of the late Nabob were certainly, at one time, in very great diſtreſs; which he thought was occaſioned by the negligence of the eunuch, Litafit Ally Khan, who had received the annual allowance for their ſupport, but had not applied it as he ſhould have done. He ſaid, Sumpſhire Khan was alſo a priſoner in his cuſtody, and confined with the eunuchs Bahar and Jewar Ally Khan, but he was not in irons like the latter; and yet he was in no more danger of eſcaping than were thoſe fettered; indeed, he obſerved, conſidering the precautions that had been uſed to ſecure them, it would have been a miracle if they had eſcaped:—the fetters that had been put upon the Begums Miniſters, he admitted, were intended as a *ſeverity*, rather than as a preventive of an eſcape *.—Here the examination of the witneſs ended, and he was informed he might withdraw.

After Capt. Jaques had been examined, the Managers deſired that the Clerk would read, from Mr. Middleton's letter-book, the letters which paſſed between that gentleman and Major Gilpin, to whom Capt. Jaques, on being relieved at Fyzabad, turned over the priſoners. The Counſel objected to the reading of thoſe letters. They ſaid, the Managers muſt firſt prove that ſuch letters had ever been in exiſtence; next, that the originals had been deſtroyed, or were in ſuch a place that they could not be produced; and laſtly, that the tranſcripts of them in Mr. Middleton's book were faithful and accurate.

The Managers replied, that the objection was very unexpected, as the authenticity of Mr. Middleton's books had been long ſince eſtabliſhed, and many letters had been read from them, and received as evidence by their Lordſhips. However, to ſave time and argument, they would call Mr. Middleton to prove the particular letters in queſtion. Mr. Middleton was accordingly called, and he ſaid, that the originals of the letters in queſtion were now in the Reſident's office at Lucknow, and that the copies of them in his books were faithful and accurate. Being examined as to one in particular, written by himſelf to Major Gilpin, he ſaid it was a true copy of an original he had ſent to that gentleman.—The Managers were then going to read it, when the Counſel for the priſoner again interfered, and obſerved, that it ought to be proved that this letter had ever reached Major Gilpin. The beſt evidence in the world on that head would be the evidence of Major Gilpin himſelf, who was then in Court, and whom the Hon. Managers might call if they pleaſed.

The Managers did not think it neceſſary to call that gentleman to prove the receipt of the letter in queſtion; for that was not a point in any degree ſo material as was this—that the Reſident at Lucknow was acquainted with the ſufferings of Bahar and Jewar Ally Khan, and of the ladies in the Khord Mahal; for as it was his duty to make thoſe ſufferings known to the Governor-General, ſo it muſt be preſumed that the latter was not unacquainted with them, and yet took no ſtep to put an end to them.—But they had another reaſon for not calling Major Gilpin—If he was called by the Managers, the Counſel for the priſoner would conſider him as the witneſs of the Managers, who, in that caſe would be bound, by a former reſolution of their Lordſhips, from putting certain queſtions to him; which would give the Counſel a handle for ſaying, that the Managers were attempting to lead their own witneſs.

* Capt. Jaques was croſs-examined by the Counſel for Mr. Haſtings, reſpecting the ſituation of the houſe of Jewar Ally Khan, the *ſecond* place in which the Miniſters were confined, and particularly with regard to the extent of the gardens. Mr. Sheridan obſerved, that if the ſituation was proved to be a perfect *Paradiſe*, it would effect nothing in the preſent inſtance, as the priſoners were not permitted to enjoy any of its benefits.

They had rather therefore that Major Gilpin was called by the priſoner, as then they might put ſuch queſtions to him as the Court would not ſuffer them to put if he was to be conſidered as their own witneſs.

The Lord Chancellor wiſhed to know what was the determination of both ſides; if both perſiſted in their opinions, then their Lordſhips would adjourn to their own Houſe, and weigh the arguments on both ſides.—The Counſel ſaid, they could not recede from their objection. The Managers begged leave to withdraw for a while to conſult. In half an hour they returned, when Mr. Fox informed their Lordſhips, that, for the purpoſe of ſaving time, the Managers would admit the objection of the learned Counſel, though they believed themſelves able to overturn it in argument; they admitted it, however, only on this occaſion, reſerving to themſelves a right of combating it, if it ſhould be urged again, on a point which the Managers ſhould deem of more importance than the preſent.

They then called Major Gilpin, who proved, that the copies produced of the correſpondence between him and the Reſident at Lucknow, were faithful and accurate. They were then read; but nothing occurred in them worth remembrance, except the requeſt to "Mr. Middleton, that he would ſend a "larger pair of fetters, as thoſe which he "had ſent would not fit the feet of the "eunuch."

The Counſel for Mr. Haſtings then examined the witneſs.—He ſaid, the priſoners had been treated with every mark of reſpect, except in the reſtraint laid upon them, and the fetters with which they were bound.—The Begums, he ſaid, had ſeveral thouſand men in arms at Fyzabad, who appeared as if they were preparing to engage the troops under his command, who were 2000 in number, and had four pieces of cannon; and he had heard, that they had threatened to fire upon one of his officers. He was examined with reſpect to the *property* in the treaſures poſſeſſed by the Begums: he thought the preſent Nabob, as heir to his deceaſed father, was entitled to the beſt part of thoſe treaſures; but this, he ſaid, was only a matter of opinion, or more properly ſpeaking, a queſtion of *law*, upon which he was unable to decide.

The croſs-examination did not conclude this day.—At twenty minutes paſt five o'clock the Lords adjourned.

THIRTIETH DAY.
WEDNESDAY, MAY 28.

Mr. Sheridan obſerved to the Court, that on peruſal of the evidence printed under the authority of their Lordſhips, he diſcovered many deviations from the evidence as delivered at the bar: he was ſure, however, that they had ariſen, not from deſign, but from hurry. He intended to propoſe ſome mode for correcting what was wrong in the printed account; but as he wiſhed not to interfere with the learned Counſel, who, he underſtood, was going to croſs-examine Major Gilpin, he would poſtpone the propoſition he had to make to another opportunity.

The Court then proceeded to the further examination of Major Gilpin, and his correſpondence * from Fyzabad, at the time he commanded that garriſon. He was afterwards croſs-examined by Mr. Plumer, one of the Counſel for Mr. Haſtings. The evidence produced by this croſs-examination was in

* Major Gilpin adviſed throughout his correſpondence with Mr. Middleton, that moderate meaſures might be uſed, which would be much more likely to ſucceed, and that he had no doubt but that, with the monies already received, he ſhould be able to recover the Company's debt. That ſuch meaſures might likewiſe prevent much maſſacre and bloodſhed. He had already received four and a half lacks of rupees in part thereof, by the ſale of the Princeſſes effects and wardrobe, and other ſums, making one lack more. Mr. Middleton, notwithſtanding, inſiſted that no guard ſhould be withdrawn from their palace, or any lenity uſed, till the whole was diſcharged, which was little more than ſix lacks.

Letters were read from the Begums themſelves, ſetting forth their diſtreſſed and pitiable ſituation; and one from the Major to Mr. Briſtow, ſtating that their women were crying for hunger—that they were nearly famiſhed, having had only a ſcanty allowance of rice for ſeveral days, and that they begged to be allowed to earn their daily bread; in conſequence of which he had advanced them money, their diſtreſſes being ſo great. He again adviſed moderate meaſures; nor did he believe, that while the eunuchs Jewar and Bahar Ally Khan were confined priſoners, they ſhould ever recover the Company's balance.

At length, when Mr. Briſtow was appointed Reſident at Lucknow, they were releaſed, which occaſioned the greateſt joy throughout Fyzabad. Major Gilpin in one letter ſays, "they ſhed tears of joy;" and "that the ſcene was, according to Triſtram Shandy's "expreſſion, fit only to be ſeen by a ſentimental traveller."

ſubſtance

ſubſtance—That the reſtraints under which the women in the Khord Mahal were put, were not intended to prevent the admiſſion of proviſions or neceſſaries into their habitation, but the carrying out of it any money or valuable effects.—That, by order from the Nabob, the witneſs had enlarged Bahar and Jewar Ally Khan; and having no orders either to detain or enlarge Sumpſhire Khan, he ſuffered him to depart, taking the promiſe and engagement of the two former to produce him whenever he ſhould be called for.—That the general report of the country charged the Begums with diſaffection to the Engliſh, and rebellion; that he believed the report at firſt, but he had afterwards diſbelieved it, as far as it related to the Bow Begum, whom he acquitted in his own mind, as ſoon as he had read the letters of thanks to her from Colonel Hannay and Captain Gordon, and he believed her in the end to be the friend of the Engliſh: all the inhabitants of Fyzabad in general, as well as her own dependents, ſpoke well of her, and acquitted her of any hoſtile deſign againſt the Engliſh. But he believed at the time, and muſt ever continue to believe, that the elder Begum, mother of the late Nabob, was diſaffected to the Engliſh. She had a great body of troops about her palace, and appeared to him to be ready to engage his detachment.—Speaking of this Princeſs, and alluding to that very occaſion, Major Gilpin uſed the following very remarkable expreſſion, in one of his letters to the Reſident at Lucknow, which letter was read:—"She ſeems determined to end her days, as ſhe has always lived—*in a* REBELLIOUS BLAZE."—Major Gilpin further ſaid, that having aſſiſted the women in the Khord Mahal with a ſum of money, he received from the Nabob a letter of reprimand for his interference.—That when he made application to the Reſident at Lucknow, for indulgence to the priſoners in the cuſtody of the witneſs, and the women in the palace, he received for anſwer, that it did not reſt with any one but the *Nabob* to give directions about the priſoners, or the perſons in the Zenana and Khord Mahal. The witneſs, however, admitted, that he had drawn upon the *Reſident* for the money which he had advanced for the uſe of the women in the Khord Mahal, and that it was paid; that the *Reſident* had ſent him additional fetters to put upon the priſoners; and that from the *Reſident* he had received orders to uſe every means in his power to procure the payment of the ſums demanded of the Begums, and alſo a kind of *reprimand* that he had withdrawn ſome centinels from about the palace, and had treated with the Bow Begum about terms of accommodation.

The Managers thought it neceſſary to put ſome queſtions to the witneſs in conſequence of the evidence produced by his croſs-examination. The queſtions may be known by the anſwers. He replied, that he underſtood that the elder Begum was diſaffected to the Engliſh, becauſe when her ſon was going to war with the Company, prior to the battle of Buxar, ſhe recommended it to him to exterminate all the Engliſh, except *twelve officers*, whom ſhe wiſhed he would reſerve to preſent to her, *for the purpoſe of carrying her palanquin.*

Mr. Sheridan obſerved, that the witneſs alluded to a period in which the Begum's ſon, ſo far from owing any friendſhip to the Engliſh, or being in any degree dependent upon them, was actually at war with them. No other expreſſion or act of her life could the witneſs know of, produce, or recollect, to prove that ſhe had, from the period of the battle of Buxar, down to the time when her jaghires were ſeized, done one ſingle act which could be ſaid to favour of *diſaffection*, much leſs of *rebellion*.—Major Gilpin ſaid, that at the time when he was at Fyzabad, and when he apprehended ſhe would attack him, and end her days as ſhe had always lived, in a *rebellious blaze*, ſhe was, he believed, FOURSCORE YEARS OF AGE.—It was not a little ſingular, though this expreſſion in Major Gilpin's letter would lead the reader to conclude that the life of this old Princeſs had been a continued ſcene of rebellion, yet he could not mention one ſingle rebellious act done by herſelf, or by her command.

He was examined as to the general character of Mr. Haſtings in India. He ſaid, that to the year 1773 his character ſtood very high all over that country, for integrity, abilities, and humanity; but after the eſtabliſhment of the Supreme Council of Bengal, ſome diſputes had happened in the Council, and opinions had got abroad not quite ſo favourable to the Governor-General. The witneſs however ſaid, that he himſelf thought as highly of him *from* the year 1773, to the moment when he left India, as all the world thought *before* 1773. He ſaid alſo, that he had not been acquainted with Mr. Haſtings in India—that the firſt place where he was introduced to him was at St. Helena, at Col. Muir's houſe, on his return to England.

A letter from Mr. Briſtow to the Begum was read from the Company's Records, which Mr. Burke ſaid he did not produce with a view of making their Lordſhips believe it was *true*, but, on the contrary, for the purpoſe of ſhewing, that by comparing it with the maſs of evidence which they had received on the ſubject, they would find *that it was one continued falſehood from the begin-*

to the end.—This letter, which was recorded by Mr. Haſtings in the Bengal Secret Conſultations, ſtated, that it was to the *humanity* of Mr. Haſtings her Excellency the Bow begum was indebted for her releaſe from the reſtraint that had been put upon her and her Miniſters; and that, had it not been for his *humane* interference, the conſequences to her Miniſters, and perhaps to herſelf, might have been ſerious in the extreme.—Mr. Burke obſerved, that the recording of ſuch a letter by the perſon who, though it was his duty to have protected the Begum againſt all attacks upon her eſtates, both real and perſonal, was himſelf the very perſon who had made the Nabob, notwithſtanding his reluctance, to plunder his parent, and ſtrip her of her property, was an attempt to ſport with the credulity of mankind, to ſee how far it might be carried in oppoſition to reaſon, truth, and ſound judgement.

Mr. Middleton was next called to the bar by Mr. Sheridan, who ſaid, he hoped the evidence on this charge would not take up much longer of their Lordſhips' attention.

Lord Stormont requeſted the Hon. Managers would allow him to aſk Mr. Middleton a few queſtions on the ſubject of his former evidence, previous to the examination.

Q. On what occaſion, in what manner, by whoſe order, and to whom, did the firſt intention originate, of the reſumption of the jaghires, and of ſeizing the Begums treaſures?

A. It originated with the Nabob.

On its being further preſſed, and his former examination recited, the anſwer was—it originated with the Nabob, but had been previouſly a matter of converſation by Sir Elijah Impey.

Q. When was the firſt time that the ſubject was communicated to Mr. Haſtings?

A. I wrote to Mr. Haſtings on the 2d of December 1781, which was the firſt time. The letter recited, that the reſumption of the jaghires was an alternative for ſeizing the treaſures, but that the witneſs ſhould do nothing till he knew Mr. Haſtings's pleaſure.

Q. In the letter of December the 6th following, to Mr. Haſtings. what is the meaning of theſe words contained in it, "*the "meaſure heretofore propoſed.*" *(Here there was much perplexity to know what could be the meaning of theſe words; but after much doubt and difficulty it was defined.)* The anſwer came out to be,

"That a converſation had paſſed ſome "time preceding, between Mr. Haſtings, Sir "Elijah Impey, and Mr. Middleton, on the "ſubject of ſeizing the treaſures of the Be-"gums. That Mr. Middleton had inſinu-"ated to the Nabob, that if he would make "a propoſal to Mr. Haſtings, as coming "from himſelf, for a ſeizure of the trea-"ſures, it would be readily accepted, and "very agreeable to Mr. Haſtings, and that "he was ſure ſuch a propoſition would not "be oppoſed."

The words "heretofore propoſed" referred therefore to this converſation.

This evidence appeared ſo very material, that the Lord Chancellor ordered Mr. Middleton to attend the next day of ſitting, it being then half paſt five o'clock *.

THIRTY-FIRST DAY.

FRIDAY, MAY 30.

This day Mr. Sheridan reminded their Lordſhips, that he had on Wedneſday informed them he had diſcovered many errors in the printed account of the evidence, relative to the ſecond charge; he had now to obſerve, that the number of thoſe errors amounted to nearly 100, ſome of which were not indeed of any conſequence, but others were certainly very material; for many things that had been ſaid by the witneſſes, about the ſeizing of the treaſures, had been ſet down in the printed evidence, as if ſaid of the reſumption of the jaghires, and *vice verſa*.—He then called Sir Elijah Impey, and afterwards Mr. Holt, to correct the errors in thoſe parts of the evidence which had been given by them. But Mr. Sheridan finding, that if he was to go thro' all the errors in open Court, a great deal of time would be conſumed in a purpoſe which might be as well anſwered in another way,

* On cloſing our account of this day, it is neceſſary to remark, that no poſitive evidence can be produced by the croſs-examination of Mr. Haſtings' Counſel, of the actual exiſtence of the inſurrection at Fyzabad, or in Gorruporè. To theſe points four Britiſh officers only could at any time have depoſed, becauſe four officers only were in thoſe countries at that time, namely, Colonel Hannay, Major Macdonald, Captain Williams, and Captain Gordon. Colonel Hannay is dead. Major Macdonald is in India—Captain Williams has been in London ſince January, and ſummoned by the Houſe of Lords, at the *requiſition* of the Managers, who have, however, not thought proper to call him—The fourth, Captain Gordon, came over from the South of France, at the hazard of his life, to explain every circumſtance relative to thoſe letters, which made ſuch an impreſſion upon the Houſe of Commons.

propoſed,

propoſed, that ſome of the Managers and the Counſel for the priſoner ſhould meet out of Court, to examine the printed account, and ſtate the *errata*—That the *errata* ſo ſtated ſhould be ſigned by the Managers deputed for that purpoſe, and the Counſel for the priſoner, and ſhewn afterwards to the different witneſſes, who ſhould inform the Court, upon oath, whether the corrections of the *errata*, ſigned by the above parties, would or would not make the account of their evidence as accurate and true as it was delivered by them at their Lordſhips bar.—This propoſal made by Mr. Sheridan met the approbation of all parties.

Juſt as Mr. Middleton was on the brink of being called to the bar, Mr. Law deſired to call Mr. Hudſon—and to preface his queſtion by informing their Lordſhips, that Mr. Sheridan had unjuſtly accuſed Mr. Haſtings of having drawn the Council into the writing a letter relative to the Begum, to Mr. Briſtow, when they could not have done ſuch a thing, had the Council poſſeſſed the ſame information that Mr. Haſtings had before him.—Mr. Law ſaid, he would prove from the Records, that Mr. Briſtow had actually ſent to the Board much better intelligence on the 1ſt of December 1782, than he did ſend to Mr. Haſtings on the 12th, which letter of the 12th was ſtated to be ſuppreſſed. The letters were then read, and proved, that Mr. Law's ſtatement was correct, and that the Board's letter of the 3d of March 1783 was in fact a reply to many letters, and amongſt them, to the letter of the 1ſt of December.—Mr. Sheridan agreed to the fact, but ſaid, that the Counſel allowed, after all, that Mr. Haſtings had ſuppreſſed the letter of the 12th of December, which he did not enter till the 12th of May following.—Mr. Law abſolutely denied the fact; and affirmed, that, by the rules of the ſervice, it was intirely optional in the Governor-General to enter or not letters addreſſed to himſelf, which, though treating on public buſineſs, were private to them.—This Mr. Sheridan diſputed; but Mr. Law again affirmed, that the fact could be proved inconteſtibly. Such ever had been and was now the practice of the ſervice.

This little altercation being paſſed, the Managers called

Mr. MIDDLETON.

Mr. Sheridan deſired he might be aſked, what orders he had iſſued on the 22d of January 1782, to Lieutenant Francis Rutledge, relative to the Begums eunuchs then in his cuſtody?

Mr. Middleton begged to throw himſelf on the protection of the Court, that he might not reply to any tranſaction on this ſubject which paſſed at Fyzabad, as it might tend to criminate himſelf, being in this inſtance the principal author of the meaſures that were purſued againſt them. If any criminality was attached to thoſe orders, he, not Mr. Haſtings, was the perſon to blame.

Mr. Burke ſaid, that ſuch a mode of evading evidence could not be ſuffered—for if witneſſes were allowed to make ſuch objections, facts could not be got at. That the Managers would prove to their Lordſhips, that Mr. Middleton was, throughout this buſineſs, the ſervant of Mr. Haſtings.

Mr. Sheridan then aſked him, if Mr. Haſtings ever diſapproved of the orders that were iſſued in regard to the Begums?—The witneſs again conſidered that this queſtion tended to criminate himſelf, as he had no particular communication with Mr. Haſtings on the ſubject, and took the execution of the orders on himſelf.

Q. Did the witneſs not inform Mr. Haſtings of what was done in the Khord Mahal (the palace of the Begums)?

A. He could not tell.

Q. Did he conceal from Mr. Haſtings what was done relating to them?

A. He believed he did not.

Q. Did he recollect no verbal communication with Mr. Haſtings on the ſubject?

A. He did not know.

Mr. Sheridan then put the queſtion this way—Did the witneſs ever iſſue the following orders—to whom—and on what occaſion?—

"When this note is delivered to you by "Goulaſs Roy, I have to deſire, that you "order the two priſoners to be put *in irons*, "KEEPING THEM FROM ALL FOOD, &c. "*agreeable to my inſtructions of yeſterday.*

(Signed), NATH. MIDDLETON."

The witneſs begged the Court would not preſs him to give an anſwer to the queſtion; for he conceived, that if there was any thing criminal in the treatment of the eunuchs, he muſt be deemed criminal himſelf; and he hoped it was not expected that he would give evidence againſt himſelf.

Mr. Sheridan obſerved, that if he acted under orders from his ſuperiors, his obedience would not be imputed to him as a crime.

The witneſs replied, that he had been accuſed by Mr. Haſtings on account of his conduct in this buſineſs, which he believed the Houſe of Commons had viewed in no very favourable light. His orders from Mr. Haſtings were in general diſcretionary; but he had never made ſo much uſe of his own diſcretion, as in the tranſactions at Fyzabad: ſo that if Mr. Haſtings ſhould be thought to be

criminal

SPEECH

OF

R. B. SHERIDAN, Esq.

ON SUMMING UP THE

EVIDENCE

ON THE

SECOND, OR *BEGUM CHARGE*.

THIRTY-SECOND DAY.
TUESDAY, JUNE 3.

SINCE the commencement of this memorable Trial, Weſtminſter Hall has not ſeen ſo numerous or ſo brilliant an aſſemblage of perſons as crouded every part of it this day. By eight o'clock in the morning the avenues leading to the Hall, through New and Old Palace Yards, were filled with ladies and gentlemen of the moſt reſpectable appearance, many of them Peereſſes in full dreſs, who ſtood in the ſtreet for upwards of an hour before the gates were opened. The exertions made to puſh forward, with a view to get convenient ſeats, had like to have proved fatal to many.

The Peers did not enter the Hall till twelve o'clock. In ſome minutes after, the Lord Chancellor having bowed to Mr. Sheridan, to ſignify to him that their Lordſhips were then ready to hear him,

That Hon. Gentleman roſe, whilſt all about him was as ſtill and huſh as if the Hall was empty.—He ſaid it was not his intention to keep back their Lordſhips attention for any time from the conſideration of the charge immediately before them, by making many preliminary obſervations: ſuch general remarks as it was in his power to make, would only weaken what had been already urged by the Right Hon. Gentleman who was the principal mover of the impeachment—whoſe genius exceeded every thing but his diſpoſition—who underſtood and felt for all—through whom and by whom ſo great an *embodied ſtand* had been made in defence of the *rights of man* againſt *man's oppreſſion*. He might, however, without injury to the general cauſe, and without treſpaſſing too much upon their Lordſhips patience, ſay ſome few words both upon the ſubject of the impeachment in general, and the particular ſituation of himſelf and his Hon. Colleagues who had been appointed to conduct it.

He thought, that if ever there was a proſecution in which thoſe who carried it on were free from all unwarrantable reſentment, or even improper bias, it was the preſent. He could enter into his own heart, and declare moſt ſolemnly, that he found there no private incentive to the part he had taken in this impeachment, and he verily believed he might ſafely ſay that all his Hon. Colleagues, as well as himſelf, were actuated ſolely by the zeal they felt for the public welfare, and their honeſt ſolicitude for the honour of their country, and the happineſs of thoſe who were under its dominion and protection. With ſuch objects in view he really loſt ſight of Mr. Haſtings, who, however great in other reſpects, was too inſignificant to be mixed with ſuch important conſiderations. "The unfortunate Gentleman "at the Bar is no mighty object in my "mind. Amidſt the ſeries of miſchiefs, "*to my ſenſe*, ſeeming to ſurround him, "what is he but a petty *Nucleus*, involved in its *Lamina*, ſcarcely ſeen or "thought of." It was impoſſible, therefore, that his Hon. Colleagues and he ſhould feel themſelves under the influence of malice or ill-will towards that unfortunate gentleman; they acted ſolely under a delegated power; they ſtood at their Lordſhips bar as the repreſentatives of the Commons of England, and as they acted

in that public capacity, it might as well be ſaid that the Commons of Great Britain, in whoſe name the impeachment had been brought before their Lordſhips, were actuated by malice to the priſoner, as that the Managers of the Houſe of Commons had any private ſpleen to gratify in diſcharging the duty impoſed upon them by their principals. In truth, the proſecution had not been *begot in prejudice*, or *nurſed in error*: it was founded in the cleareſt conviction of the wrongs that the natives of Hindoſtan had ſuffered through the mal-adminiſtration of thoſe in whoſe hands this country had placed extenſive powers, which ought to have been exerciſed for the benefit of the governed, but which had been uſed by the priſoner at the bar for the ſhameful purpoſes of oppreſſion.

To convince their Lordſhips that the Britiſh government, which ought to have been a bleſſing to the powers in India connected with it, had been a ſcourge to the natives, and the cauſe of deſolation to the moſt flouriſhing provinces in Hindoſtan, he had only to read a letter that had been received not long ſince from Lord Cornwallis, the preſent Governor-General of Bengal.—In that letter the noble Lord ſtated, that he had been received by the Nabob Viſier with every mark of friendſhip and reſpect; but the honours he received at the Court of Lucknow had not prevented him from ſeeing the deſolation that overſpread the face of the country, the ſight of which had ſhocked his very ſoul. He ſpoke to the Nabob on the ſubject, and earneſtly recommended it to him to adopt ſome ſyſtem of government, that might reſtore the proſperity of his kingdom, and make his people happy.—The Nabob's anſwer was ſtrikingly remarkable.—That degraded Prince ſaid to his Lordſhip, that as long as the demands of the Engliſh government upon the revenue of Oude ſhould remain unlimited, he (the Nabob) could have no intereſt in eſtabliſhing any ſyſtem of economy; and whilſt the Engliſh ſhould continue to interfere in the internal government of his country, it would be in vain for him to attempt any ſalutary reform, for his ſubjects knew he was only a cypher in his own dominions, and therefore laughed at and deſpiſed his authority and that of his Miniſters.

Surely the ſtate to which that wretched Prince was reduced by our miſmanagement, and the ruin which had, by the ſame cauſe, been brought upon his country, called loudly upon their Lordſhips to interfere, and reſcue their national honour and character from the infamy to which both would be expoſed, if no inquiry was made into the cauſes of ſuch calamities, and no puniſhment was inflicted on the authors of them.—*Policy*, as well as *Juſtice*, called upon them to vindicate the character of Great Britain in India; for he would prove to them, from good authority, that the native powers had ſo little reliance upon our faith, that the preſervation of our empire, in that quarter of the world, could be effected only by convincing the native princes, that a religious adherence to its engagements ſhould in future characterize the Britiſh government in that country.—To prove the neceſſity there was for bringing ſuch a conviction to the mind of every native prince, Mr. Sheridan read a letter to Lord Cornwallis, from Captain Kirkpatrick, who, when he wrote it, was Reſident at the Court of the Great Marratta chief, Madajee Scindia. This gentleman ſtated in his letter, that the new ſyſtem of moderation brought by his Lordſhip, was certainly the only one that could give ſtability to our empire in India; but, at the ſame time, he muſt obſerve, that as the princes of that country had ſo frequently had cauſe to lament that no engagement could bind us, it would require time, and repeated proofs of good faith, to convince them that we were ſerious in the profeſſions which were then held out to them on the part of the Britiſh government; that *ambition*, or a deſire of *conqueſt*, ſhould no longer be encouraged by Britiſh councils; and that a moſt religious adherence to all treaties and engagements ſhould be the baſis of all our future political tranſactions.

To theſe letters, Mr. Sheridan ſaid, he muſt call upon their Lordſhips to give an anſwer, not by *words*, which would not find credit with the natives, who had ſo often been deceived by our profeſſions, but by *deeds*, which would convince them that we were truly in earneſt; for it was only by our puniſhing thoſe who have been guilty of the delinquencies which have brought ruin on the country, that we could poſſibly gain confidence with the people of India, and ſatisfy them that future delinquents will not be encouraged or countenanced by the ruling powers at home.

In looking round for an object fit to be held out to the world as an example of national juſtice, their Lordſhips muſt neceſſarily fix their eyes upon Mr. Haſ-

tings. He was the great cauſe of the degradation of our character in India, and of the oppreſſion of its devoted inhabitants, and he was the only victim that could atone for the calamities he had occaſioned.

But whilſt he pointed out the priſoner at the bar as a proper object of puniſhment, he begged leave to obſerve, that he did not wiſh to turn the ſword of juſtice againſt that man, merely becauſe an example ought to be made; ſuch a wiſh was as far from his heart as it was incompatible with equity and juſtice: if he called for puniſhment upon Mr. Haſtings, it was becauſe he thought him a great delinquent, and the greateſt of all thoſe who, by their rapacity and oppreſſion, had brought ruin on the natives of India, and diſgrace upon the inhabitants of Great Britain.

Whilſt he called for juſtice upon the priſoner, he could wiſh alſo to do him juſtice: he would be ſorry that the weight and conſequence of the Commons of Great Britain, in whoſe name the proſecution had been ſet on foot, ſhould operate to his prejudice: indeed, whilſt he had ſuch upright judges as their Lordſhips, it was impoſſible that any thing could injure him, but the cleareſt and moſt unequivocal proofs of guilt.—"It "is not the peering ſuſpicion of appre-"hending guilt—It is not any popular "abhorrence of its wide-ſpread conſe-"quences—It is not the ſecret conſcious-"neſs in the boſom of the Judge, which "can excite the vengeance of the law, "and authoriſe its infliction!—No—In "this good land, as high as it is happy, "becauſe as juſt as it is free, all is de-"finite, equitable and exact—The laws "muſt be ſatisfied before they are incur-"red—And ere a hair of the head can "be plucked to the ground, LEGAL "GUILT muſt be eſtabliſhed by LEGAL "PROOF!"

This principle he muſt admit as concluſive, though, in the preſent caſe, he felt the inconvenience of it, which might operate as a bar to public juſtice; for the Managers of the impeachment laboured under difficulties, that could ſcarcely occur in any other proſecution. The witneſſes whom they had been obliged to call, were, for the moſt part (he would ſtate the exceptions in the proper place), the accomplices of the priſoner's guilt, and the inſtruments of his oppreſſions: from ſuch witneſſes it was not likely that proofs of that guilt could be obtained without great difficulty.

In the *written* documents from which the Managers had ſelected their proofs in ſupport of the impeachment, as conſiderable difficulties had occurred: thoſe documents had been drawn up by the parties whoſe ſtudy it was, as it was their intereſt, though contrary to their duty, to conceal the iniquity of their proceedings, and conſequently to diſguiſe the truth.

But though he ſtated the difficulties which the Managers had to encounter, he did not mean to ſay that the proofs which they had adduced were in any degree defective: "weak, no doubt, in "ſome parts, and incompetent—and yet "more deplorable, as undiſtinguiſhed by "any compunctious viſitings of repent-"ing accomplices—but yet enough, "and enough in ſure validity, to abaſh "the front of guilt no longer hid, and "flaſh conviction on conſcientious "judges."

Having premiſed theſe obſervations, Mr. Sheridan ſaid he would now make ſome remarks upon the defence, or rather *defences*, made by the priſoner. He had already made *four*, three of which he had ſince thought proper to abandon, and diſcredit. Indeed, he believed that it was a novelty in the hiſtory of criminal juriſprudence, that a perſon accuſed ſhould firſt make a defence, and afterwards endeavour to convince his judges that they ought not to give it the leaſt credit. Mr. Sheridan ſaid, he was the more ſurprized at this conduct in the priſoner, as it was ſince he had had the aſſiſtance of Counſel that he had made this attempt: he thought, that when he had been reſcued from his own incautious raſhneſs, he would not have taken ſo extraordinary a ſtep as was that of diſcrediting his own defence.

In every court of law in England, the confeſſion of a criminal, when not obtained by any promiſe of favour or lenity, or by violent threats, was always admitted as concluſive evidence againſt himſelf; and if that confeſſion was made before a grave and reſpectable aſſembly of perſons, competent to take cognizance of crimes, there was no doubt but it would have due weight, becauſe it was fair to preſume that ſuch a confeſſion muſt be *voluntary*, and not procured by any undue or improper means. The priſoner had, in his defence made before the Houſe of Commons, admitted many facts; and it was the intention of the Managers to urge in ſupport of the charges, his admiſſion of them: for when he went the length of admitting them, he was ſpeaking the language not of inconſiderate raſhneſs and haſte, but of deliberate conſideration and reflection, as would appear to their Lord-

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ſhips from a paſſage which he ſhould read to them from the *introduction* to the defence read by Mr. Haſtings himſelf at the bar of the Houſe of Commons. In that paſſage, the priſoner uſed the following words:

"Of the diſcouragement to which I "allude I ſhall mention but two points, "and theſe it is incumbent on me to men- "tion, becauſe they relate to effects "which the juſtice of this Hon. Houſe "may, and I truſt will, avert. The firſt "is an obligation to my being at all "committed in my defence, ſince, in ſo "wide a field for diſcuſſion, it would be "impoſſible not to admit ſome things, of "which an advantage might be taken, "to turn them into evidence againſt my- "ſelf; whereas *another* might as well "uſe as I could, or better, the ſame ma- "terials of my defence, without involv- "ing me in the ſame conſequences. But "I am ſure that this Hon. Houſe will "yield me its protection againſt the ca- "vils of unwarranted inference; and if "the *truth* can tend to convict me, *I am "content to be* MYSELF *the channel to "convey it.*—The other objection lay in "my own breaſt. It was not till Mon- "day laſt that I formed the reſolution, "and I knew not then whether I might "not, in conſequence, be laid under the "obligation of preparing and completing "in five days (and in effect ſo it has "proved) the refutation of charges "which it has been the labour of my ac- "cuſer, armed with all the powers of "Parliament, to compile during as many "years of almoſt undiſturbed leiſure."

Here then, Mr. Sheridan obſerved, the priſoner had upon deliberation committed his defence to paper; and, after having had five days to conſider whether he ſhould preſent it or not, he actually delivered it himſelf to the Houſe of Commons, as a defence founded in *truth*, and triumphantly remarked upon it, that if "*truth* could tend to convict him, he was willing to be himſelf the channel to convey it."

But what was his language now that he had had the advice of Counſel? Nay, that there was not a word of truth in what he delivered to the Houſe of Commons *as* the *truth*; that he had no knowledge of many of the facts, no recollection of the circumſtances; that *he had put his memory in commiſſion*, and appointed Meſſ. Middleton, Scott, Gilpin, &c. the *Commiſſioners*; nay, that he had alſo put his *defences* into commiſſion, to be exerciſed by the ſame gentlemen. "Theſe, like "raw materials, the maſter workman "diſtributes about him to all hands "awaiting:—His words are to be ſtrung "—arguments ſpun—paſſages are to be "woven:—He puts his conſcience into "departments—Major Scott, ſays he, "take care of my conſiſtency——Mr. "Middleton, you have my *memory* in "commiſſion!—Prove me a financier, "Mr. Shore.——Anſwer for me, Mr. "Holt (all journeymen, good enough "for the Houſe of Commons, though "not for your Lordſhips):—Help, one "and all, to bear me up under the bare "preſſure of my laurels, the burthen of "my glory!—Refreſh, and ſave me from "the calentures of my ſtate, from the "peril of my own panegyric."

Thus could the priſoner ſport with the underſtanding and feelings of the Houſe, by aſſerting that to be falſe and not entitled to credit this day, which, on a former, he had declared to be the truth itſelf, and the ground of his hope that it would procure him an acquittal, or, what would have been the ſame thing to him, would prevent the Commons from carrying up the Impeachment againſt him to their Lordſhips bar. Indeed from this avowal and diſavowal of defences, and from the defence, different from all the former, which had been delivered to their Lordſhips, it would ſeem as if Mr. Haſtings was of opinion, that any thing would do for the Houſe of Commons.—Poſſibly it might turn out hereafter, that he entertained a ſimilar opinion with reſpect to their Lordſhips; for it was not improbable but he might hereafter abandon the defence he had delivered to them: he might ſay, "It was not made by me, "but by my Counſel, and therefore I "hope your Lordſhips give no credit to "it." But if he would abide by that his laſt defence, he (Mr. Sheridan) would join iſſue with him upon it, and prove it to be in many places void of truth, and in almoſt every part of it unfounded in argument as well as fact.

Having thus touched upon the different defences made by the priſoner, Mr. Sheridan next adverted to the allegations in the ſecond charge that had been ſupported in evidence. He ſaid, that the Managers had proved the high birth and great rank of the Begums, or Princeſſes of Oude; they had alſo proved from the evidence of Sir Elijah Impey, Mr. Middleton, Mr. Goring, and others, how ſacred was the reſidence of women in India. A threat therefore, to force that reſidence, [illegible] late its purity by ſending men [illegible]

it, was a ſpecies of torture, the cruelty of which could not be conceived by thoſe who were unacquainted with the cuſtoms and notions of the inhabitants of Hindoſtan. A knowledge of the cuſtoms and manners of the Muſſulmen of Turkey, would not enable one to judge of thoſe of Muſſulmen in India: In the former, ladies went abroad veiled, and though not ſo free as thoſe in Chriſtian countries ſtill they were not ſo cloſely ſhut up as were the ladies profeſſing the ſame religion in Hindoſtan. The confinement of the Turkiſh ladies was in a great meaſure to be aſcribed to the jealouſy of their huſbands; in Hindoſtan the ladies were confined, becauſe they thought it contrary to *decorum* that perſons of their ſex ſhould be ſeen abroad: they were not the victims of jealouſy in the men, on the contrary, their ſequeſtration from the world was *voluntary*; they liked retirement, becauſe they thought it beſt ſuited to the dignity of their ſex and ſituation: they were ſhut up from liberty, it was true; but liberty, ſo far from having any charms for them, was ſhocking to their feelings; they were *enſhrined* rather than *immured*; they profeſſed a greater *purity* of *pious prejudice* than the Mahomedan ladies of Europe and other countries, and more zealouſly and religiouſly practiſed a more *holy* ſyſtem of *ſuperſtition*. Such was their ſenſe of delicacy, that to them the ſight of man was pollution; and the piety of the nation rendered their reſidence a *ſanctuary*. What then would their Lordſhips think of the tyranny of the man who could act in open defiance of thoſe prejudices, which were ſo interwoven with the very exiſtence of ladies in that country, that they could not be removed but by *death*? What, he ſaid, would their Lordſhips think of the man who could threaten to prophane and violate the ſanctuary of the higheſt deſcription of ladies in Oude, by ſaying that he would ſtorm it with his troops, and remove the inhabitants from it by force?

Mr. Sheridan dwelt for ſome time with great feeling on this point. He next adverted to the treaſures in the Zenana, and the relation in which the Bow Begum and the Nabob ſtood to each other, and to Mr. Haſtings. He adduced various arguments to ſhew, that theſe treaſures did not belong to the ſtate, but to the Begum; and moſt happily ridiculed the memory of Mr. Middleton, that remembered *inferences*, but forgot the *facts* that would ſupport them; nay, ſometimes remembered the facts that overturned them.—— Thus, he ſaid, the treaſures muſt have belonged to the *ſtate*, and conſequently were the inheritance of the *Nabob*, becauſe that Prince had drawn for a large ſum, which was to be paid out of thoſe treaſures, *but his draft was not honoured*—And he ſaid, they could *not* be the property of the Begum; for he remembered, that when the Nabob's draft was returned without having been honoured, the Begum drew for the ſame ſum, upon the ſame treaſures, *and the money was inſtantly paid*.

Mr. Sheridan ſhewed next, that there was very good ground for preſuming that the treaſures poſſeſſed by the Begum were the property of that Princeſs; ſhe had endeared herſelf to her huſband, the late Nabob, by flying to him in the moment of his diſtreſs, after his defeat at Buxar, and carrying with her to his relief the jewels with which in happier days his fondneſs for her had enriched her: upon theſe ſhe raiſed him a large ſupply. When the political generoſity of this country reſtored him afterwards to his throne, his gratitude to his wife knew no bounds: her aſcendency over him was ſuch, that ſhe prevailed upon him to appoint his ſon *by her*, his ſucceſſor.

The preſent Nabob, as had appeared from a paſſage in a letter written by Mr. Haſtings to him, and ſince proved in evidence, owed to her not only his birth and ſucceſſion to the crown, but alſo the preſervation of his life; for one day his ſavage father in a rage attempting to cut him down with his ſcymeter, the Begum ruſhed between her huſband and her ſon and ſaved the latter, though with the loſs of ſome of her own blood; for ſhe was wounded by the blow that was not aimed at her. A ſon ſo befriended and ſo preſerved, Mr. Haſtings had armed againſt ſuch a mother—he invaded the rights of that Prince, that he might compel him to violate the laws of *nature*, by plundering his parent; and he made him a *ſlave*, that he might afterwards make him a *monſter*. Mr. Haſtings was bound to be the *protector* of the Begum, inſtead of her *plunderer*; for her huſband, on his death-bed, bequeathed her to his friendſhip, and Mr. Haſtings had always called that huſband *his brother*—but no conſideration could make him diſcharge the duties of any obligation that could ſet bounds to his *rapacity*.

The interference of Mr. Briſtow in 1775, in the difference between the Begums and the Nabob, in conſequence of the claims of the latter, was the next ground of Mr. Sheridan's obſervations.

Mr.

—Mr. Briſtow had then, in a converſation with the ſuperior or elder Begum, thrown out an inſinuation, that the treaſures which ſhe poſſeſſed were the treaſures of the ſtate;—and on this inſinuation, ſo termed by Mr. Briſtow himſelf, had Mr. Haſtings founded all his arguments on that head, and on which he lately appeared to place ſo much reliance.—The Begums at that time gave up to Aſoph ul Dowlah ſums amounting to five hundred and fifty thouſand pounds.—Of this a part was to be paid in goods, which, as they conſiſted of arms, elephants, &c. the Nabob alledged to be his property, and refuſed to accept as payment. This occaſioned a diſpute, which was referred to the Board of Calcutta. Mr. Haſtings then vindicated the right of the Begums to all the goods in the Zenana, and brought over the majority of the Council to his opinion. The ideas then placed on record he had ſince found it convenient to diſown, as belonging not to him, but to the majority of the Council!

"There are," ſaid Mr. Sheridan, "in "this aſſemblage, they who are perfect "in their ideas of law and juſtice, and "who underſtand tolerably well *majo-* "*rities* and *minorities*; but how ſhall I "inſtance this new doctrine of Mr. Haſ- "tings? It is as if Mr. Burke, the "*great leader of the cauſe*, ſhould ſome "ten years hence revile the *Managers*, "and commend Mr. Haſtings!" "Good "God!" might ſay one of thoſe Gentlemen, "it was *you* who inſtigated the en- "quiry; it was *you* who made me think "as I did!" "Aye; very true," might Mr. Burke reply, "but I was then in a "*minority*: I am now in a *majority*; "I have now left my opinions behind "me; and I am no longer reſponſible."

The claims however, it was obſervable, of the Nabob, as to the treaſure of the Begums, were at this time the only plea alledged for the ſeizure. Theſe were always founded on a paſſage of that *Koran* which was perpetually quoted, but never proved.—Not a word was then mentioned of the ſtrange rebellion which was afterwards conjured up, and of which the *exiſtence* and the *notoriety* were equally a ſecret!—a diſaffection which was at its height at the very time when the Begums were diſpenſing their liberality to the Nabob, and exerciſing the greateſt generoſity to the Engliſh officers in diſtreſs!—a diſturbance, in ſhort, without its parallel in hiſtory, which was raiſed by two *women*—carried on by two *eunuchs*—and finally ſuppreſſed by an *affidavit!*

Mr. Sheridan then adverted to the negotiations of Mr. Middleton with the Begums in 1778, when the diſcontents of the ſuperior Begum would have induced her to leave the country, unleſs her authority was ſanctioned, and her property ſecured by the guarantee of the Company.—This guarantee the Counſel—or Mr. Haſtings, had thought it neceſſary to deny, as knowing that if the agreements with the elder Begum were proved, it would affix to Mr. Haſtings the guilt of all the ſufferings of the women of the Khord Mahal, the revenues for whoſe ſupport were ſecured by the ſame engagement. In treating this part of the ſubject, the principal difficulty aroſe from the *uncertain* evidence of Mr. Middleton, who, though concerned in the negotiation of the *four* treaties, could not recollect affixing his ſignature to *three* out of that number. Mr. Sheridan proved however, from the evidence even of Mr. Middleton, that a treaty had been ſigned in October 1778, wherein the rights of the elder Begum were fully recognized; a proviſion ſecured for the women and children of the late Vizier in the Khord Mahal; and that theſe engagements had received the fulleſt ſanction of Mr. Haſtings. Theſe facts were confirmed by the evidence of Mr. Purling, a gentleman, who, Mr. Sheridan ſaid, had delivered himſelf fairly, and as having no *foul ſecrets* to conceal. He had tranſmitted copies of theſe engagements in 1780 to Mr. Haſtings at Calcutta; the anſwer returned was, that in arranging the taxes on the other diſtricts, he ſhould paſs over the jaghires of the Begums. No notice was then taken of any impropriety in the tranſactions in 1778, nor any notice given of an intended revocation of thoſe engagements.

But in June 1781, when Gen. Clavering and Col. Monſon were no more, and Mr. Francis had returned to Europe, all the *hoard* and *arrear* of collected evil burſt out without reſtraint, and Mr. Haſtings determined on his journey to the upper provinces.—It was then, that, without adverting to intermediate tranſactions, he met with the Nabob Aſoph ul Dowlah at Chunar, and received from him the myſterious preſent of 100,000l. To form a proper idea of this tranſaction, it was only neceſſary to conſider the reſpective ſituation of him who gave and of him who received this preſent.

It was not given by the Nabob from the ſuperflux of his wealth, nor in the abundance of his eſteem for the man to whom it was given. It was, on the contrary, a prodigal bounty, drawn from a country depopulated—no matter whether by natural cauſes, or by the grinding of oppreſſion. It was raiſed by an exaction, which took what calamity had ſpared, and rapine overlooked;—and purſued thoſe angry diſpenſations of Providence, when a *prophetic* chaſtiſement had been inflicted on a *fated* realm.—The ſecrecy which had marked this tranſaction was not the ſmalleſt proof of its criminality. When Benarum Pundit had, a ſhort time before, made a preſent to the Company of a lack of rupees, Mr. Haſtings, in his own language, deemed it "worthy the praiſe of being recorded;" but in this inſtance, when ten times that ſum was given, neither Mr. Middleton nor the Council were acquainted with the tranſaction, until Mr. Haſtings, four months after, felt himſelf compelled to write an account to England, and the intelligence returned thus circuitouſly to his friends in India! It was peculiarly obſervable in this tranſaction how much the *diſtreſſes* of the different parties were at variance. Mr. Haſtings travels to the Nabob to ſee, no doubt, and enquire into his *diſtreſſes*, but immediately takes from him 100,000l. to be applied to the neceſſities of the *diſtreſſed* Eaſt India Company; but on farther deliberation, theſe conſiderations vaniſh; a *third* object ariſes more worthy than either of the former, and the money is taken from the one, and demanded from the other, to be applied to the uſe of—the *diſtreſſed* Mr. Haſtings.

The money, it was alledged by Mr. Haſtings, had been originally taken to diſcharge the arrear of the army. It had not long been applied to that uſe, becauſe it was received in bills on Gopal Dos, a rich banker at Benares, who was then kept a priſoner by Cheyt Sing.—Major Scott being queſtioned on the ſubject, declared the bills on Gopal Dos were as good as cash, for that though the principal of the houſe was a priſoner, that circumſtance made no difference whatſoever with the other partners. Thus Mr. Haſtings was inconſiſtent with himſelf, by alledging an objection which ſhould have prevented his taking the money in the firſt inſtance, for the purpoſe he had ſtated; and Major Scott contradicting Mr. Haſtings, removed the objection, and reſtored the buſineſs to its original footing.——But through all thoſe windings of myſterious hypocriſy, and of artificial concealment, it was eaſy to mark the ſenſe of hidden guilt. Mr. Haſtings himſelf, being driven from every other hold, advanced the ſtale plea of *State Neceſſity*. But of this neceſſity he had brought no proof; it was a neceſſity which liſtened to whiſpers for the purpoſe of crimination, and dealt in rumour to prove its own exiſtence.—To a General leading the armies of Britain—to an Admiral bearing her thunders over the ſeas, the plea of neceſſity might be indulged, if the wants of thoſe were to be ſupplied whoſe blood had been ſpilt in the ſervice of their country; but his "*State* "*Neceſſity*, grand, magnanimous, and "all commanding——went hand in "hand with honour, if not with uſe—it "went forth with our arms, when the "*Hero* could plume himſelf, like the "*Imperial Eagle* on his neſt, unaſſailable!—and amidſt his fair ſucceſſes, "look down in juſtified diſdain on any "malevolent challenge of minute error; "his *Fame* as firm as the *Rock*, which, "from his defence, all the enemy had "battered in vain!"

On the buſineſs of the treaty of Chunar, which ſucceeded the acceptance of this bribe, Mr. Sheridan was equally perſpicuous and equally ſevere. It was a proceeding, he obſerved, which, as it had its beginning in corruption, had its continuance in fraud, and its end in violence. The firſt propoſition of the Nabob after his recent liberality, was, that the army ſhould be removed, and all the Engliſh recalled from his dominions. The bribe which he had given was the obvious price of their removal. He felt the weight of their oppreſſion:—he knew, to ſpeak his own language—"that when the Engliſh ſtaid, they ſtaid "to aſk for ſomething." Though their predeceſſors had exhauſted the revenue;—though they had ſhaken the tree until nothing remained upon its *leafleſs* branches, yet a new flight was on the wing to watch the firſt *buddings* of its proſperity, and to nip every promiſe of future luxuriance.

To this demand Mr. Haſtings had promiſed to accede, and to recal every Engliſhman from the province; but by an evaſion which Mr. Middleton diſcloſed with ſo much difficulty to their Lordſhips on the laſt day of his appearance, the promiſe was virtually recalled. No *orders* were afterwards given for the eſtabliſhment of Engliſhmen in the province, but *recommendations* of the ſame effect with Mr.

Mr. Middleton and the Vizier were ſent, and the practice continued.—In the agreement reſpecting the reſumption of the Jaghires, the Nabob had been duped by a ſimilar deception. He had demanded and obtained leave to reſume thoſe of certain individuals: Mr. Haſtings, however, defeated the permiſſion by making the order general; knowing that there were ſome favourites of the Nabob whom he could by no means be brought to diſpoſſeſs.—Such was the conduct of Mr. Haſtings, not in the moment of cold or crafty policy, but in the hour of confidence and the effervescence of his gratitude for the favour he had juſt received. Soaring above every common feeling, he could deceive the man to whoſe liberality he ſtood indebted—even his *gratitude* was *perilous*—and a *danger* actually awaited on the return which he was to make to an effuſion of generoſity!

The tranſactions in which Sir Elijah Impey bore a ſhare, and the tenor of his evidence, were the next objects of Mr. Sheridan's animadverſion.——The late Chief Juſtice of Bengal, he remarked, had repeatedly ſtated, that Mr. Haſtings left Calcutta with *two* reſources in his view,—thoſe of *Benares* and of *Oude*. It appeared, however, from every circumſtance, that the latter reſource was never in his contemplation, until the inſurrections in Benares, terminating in the capture of Bedjegur, had deſtroyed all his hopes in that province. At that inſtant, the mind of Mr. Haſtings, fertile in reſources, fixed itſelf on the treaſures of the Begums, and Sir Elijah Impey was diſpatched to collect materials for their crimination: "But I have ever thought," ſaid Mr. Sheridan, "the ſelection of ſuch a perſonage, for ſuch a purpoſe, one of the greateſt aggravations of the guilt of Mr. Haſtings."—That he, the purity of whoſe character ſhould have influenced his conduct, even in his moſt domeſtic retirements;—that he, who, if conſulting the dignity of Britiſh Juſtice, ſhould have remained as ſtationary as his court in Calcutta;—that ſuch a man ſhould be called to travel 500 miles for the tranſaction of ſuch a buſineſs, was a deviation without a plea, and a degradation without example.—This, however, was in ſome degree a queſtion to be abſtracted for the conſideration of thoſe who adorned and illumined the ſeats of Juſtice in Britain, and the purity of whoſe character precluded the neceſſity of any further obſervations on ſo different a conduct.

With reſpect to the manner in which Sir Elijah Impey had delivered his evidence, it required ſome obſervation, tho' made without imputing to that gentleman the ſmalleſt culpability.——Sir Elijah had admitted, that in giving his evidence he had never anſwered without looking equally to the probability and the conſequences of the fact in queſtion. Sometimes he had even admitted circumſtances of which he had no recollection beyond the mere probability that they had taken place. By conſulting in this manner what was *probable*, and the contrary, he might certainly have corrected his memory at times, and Mr. Sheridan ſaid he would accept that mode of giving his teſtimony, provided that the inverſe of the propoſition might alſo have place, and that where a circumſtance was *improbable*, a ſimilar degree of credit might be ſubtracted from the teſtimony of the witneſs. *Five* times in the Houſe of Commons, and *twice* in that Court, for inſtance, had Sir Elijah Impey borne teſtimony, that a rebellion was raging at Fyzabad at the time of his journey to Lucknow. Yet on the *eighth* examination, he had contradicted all the former, and declared, that what he meant was, that the rebellion *had* been raging, and the country was then in ſome degree reſtored to quiet.—The reaſons aſſigned for the former errors were, that he had forgotten a letter received from Mr. Haſtings, informing him, that the rebellion was quelled, and that he had alſo forgotten his own propoſition of travelling through Fyzabad to Lucknow. With reſpect to the letter, nothing could be ſaid, as it was not in evidence; but the other obſervation would ſcarcely be admitted, when it was recollected that in the Houſe of Commons, Sir Elijah Impey had declared that it was his propoſal to travel through Fyzabad, which had originally brought forth the information, that the way was obſtructed by the rebellion!—From this information Sir Elijah Impey had gone by the way of Illyabad;—but what was yet more ſingular, was, that on his return he would again have returned by the way of Fyzabad, if he had not been again informed of the danger; ſo that had it not been for theſe friendly informations, the Chief Juſtice would have run plump into the very *focus* of the rebellion!—There were two circumſtances, however, worthy of remark.—The *firſt* was, that Sir Elijah Impey ſhould, when charged with ſo dangerous a commiſſion as that of procuring

dence, to prove that the *Begums* had meditated the expulsion of their son from the throne, and of the English from Bengal, twice intend to pass through the city of their residence.

"This *giddy* Chief Justice, said Mr. "Sheridan, disregards business: He "wants to see the country: Like some "*innocent* school-boy, he takes the prim-"rose path, and amuses himself as he "goes: He thinks not that his errand "is on danger and death; and that his "*party* of *pleasure* ends in loading others "with irons." When at Lucknow, he never mentions the affidavits to the Nabob: No, he is too polite: He never talks of them to Mr. Hastings—out of politeness too. A *Master of Ceremonies* in Justice! When examined at the bar, he said,—he imagines there must have been a *sworn interpreter*, from the looks of the manager. How I looked, Heaven knows, said Mr. Sheridan, but such a physiognomist there is no escaping.—He sees a sworn interpreter in my looks: He sees the manner of taking an oath in my looks! He sees the Bason and the Ganges in my looks! As for himself, he only looks at the *tops* and *bottoms* of affidavits! In seven years he takes care never to look at these swearings; and then goes home one night, and undoes the whole; though when he has seen them, Sir Elijah seems to know less about them than when he has not.

The second circumstance worthy of observation, was, that if a conclusion could be made from a cloud of circumstances, the inference on this occasion would undoubtedly be, that Sir Elijah Impey was dissuaded by Mr. Hastings and Mr. Middleton from passing by the way of Fyzabad, as well knowing, that if, as a friend to Mr. Hastings, he were to approach the Begums, he would be convinced, by his reception, that nothing could be more foreign from the truth than the idea of their supposed disaffection—It was also observable, that Sir Elijah Impey, at Lucknow, taking evidence in the face of day in support of this charge of rebellion against the Begums, when conversing with the Nabob and his minister, heard not a single word from either of a rebellion by which it was proposed to dethrone the Nabob, and to change the government of his dominions!—And equally unaccountable it appeared, that Sir Elijah Impey, who had advised the taking of those affidavits for the safety of Mr. Hastings, had never read them at the time, for the purpose of seeing whether they were sufficient for the purpose, or the contrary!—After so long a reserve, however, and after declaring on oath that he thought it unnecessary, the next step taken by Sir Elijah Impey was to read the affidavits, as, however late, they might contribute something to his information. He had been led to this study, by his own allegation, from having been misled by Mr. Sheridan, one of the Managers on the part of the Commons, who by looking at a book which he held in his hand, had persuaded him to declare that a sworn interpreter was present on the receiving of those affidavits--that Major Davy was present for that purpose—and that whoever it was, he was perfectly satisfied with his conduct on the occasion; when it was actually in evidence that no interpreter whatsoever was present.—Now, said Mr. Sheridan, how I, by merely looking into a book, could *intimate* the presence of an interpreter, could *inculcate* the assistance of Major Davy, and could also *look* the satisfaction conceived by Sir Elijah Impey, are questions which I believe that Gentleman alone is able to determine!

He should admit, however, he said, that Sir Elijah Impey had not strictly attended to forms on the occasion of taking those affidavits; that he had merely directed the Bible to be given to the Whites, and the Koran to the Blacks, and had packed up in his wallet the returns of both without any further enquiry; or that he had glanced over them in India, having previously cut off all communication between his *eye* and his *mind*, so that no consciousness was transferred from the former to the latter; and that he had read them in England, if possible, with less information:—however strange these circumstances might be, he would admit them all;—he would even admit, that the affidavits were legally and properly taken, and yet would prove that those affidavits were not sufficient to sustain any one point of criminality against those who were the subjects of the present charge.

After some brief observations on some parts of the affidavits, particularly on those of a native officer, who, as Mr. Sheridan observed, gave a specimen of *platoon* firing in his evidence, by giving three affidavits in one day*; he concluded with

* "He had sworn once—then again—and made nothing of it: then comes he, with "another, and swears a third time—and *in company* does better. *Single-handed* he can do "*nothing*—but succeds by *platoon swearing* and *volleys of oaths!*"

observing,

obſerving, that as it would tend very much to abbreviate the diſcuſſion of the preſent charge, to enter more largely into the tendency of thoſe affidavits, he ſhould therefore make a pauſe for the preſent, and take the liberty of calling the attention of their Lordſhips more particularly to this point on an enſuing day.

At half paſt four o'clock the Court adjourned to Friday next.

Thirty-Third Day.

Friday, June 6,

The Court being ſeated at half paſt twelve, after a ſhort pauſe, Mr. Sheridan reſumed his ſpeech, by expreſſing his ſatisfaction, that in the interval of the adjournment, the remaining part of the evidence, &c. had been printed and laid before their Lordſhips; as it was the wiſh of the Managers that every document ſhould be before the Court at the time, for the purpoſe of determining with more accuracy whether they had or had not borne out the charges which they preſented.

Recurring then to the affidavits taken by Sir Elijah Impey at Lucknow, they formed, he obſerved, a material article in the defence of Mr. Haſtings; and on the deciſion of their Lordſhips reſpecting the weight of the allegations which they contained, a great part of this queſtion would finally depend. With reſpect to one part of the charge made on the Begums—their having ſhewn an uniform ſpirit of hoſtility to the Britiſh Government—it had not only failed, but was abſolutely abandoned by the Counſel for the priſoner, as not being ſupported by a tittle of evidence. In deciding on the other parts of this charge—their having committed an overt-act of rebellion—their having inflamed the Jaghirdars, and excited the diſcontents in Oude—their Lordſhips were to conſider the ſituation in which Mr. Haſtings ſtood at the time theſe charges were made. Having failed in his attempt at Benares, his mind was entirely directed to the treaſures of the Begums. He knew that ſuch was the ſituation into which he had plunged the affairs of the Company, that he knew he could not addreſs his *venal* maſters, unleſs ſome treaſure was found. He had therefore ſtood forwards as an accuſer, where he was alſo to preſide as a judge;—and with much caution ſhould that judge be heard, who has apparently a profit on the conviction, and an intereſt in the condemnation of the party to be tried. He would not from this infer, however, that the charge was groundleſs; but he would argue, that until fully proved, it ſhould not meet with implicit credit. It was obvious alſo that the attempt ſaid to have been made by the Begums to dethrone the Nabob and extirpate the Engliſh, was in the higheſt degree improbable; but he would not infer from thence, that it was impoſſible.—There is in human nature a perverſe propenſity to evil, which had ſometimes cauſed the perpetration of bad acts without any obvious gratification reſulting to the perpetrator. All he ſhould claim, therefore, was, that the accuſations brought by Mr. Haſtings againſt the Begums, ſhould undergo a candid examination, and that probable evidence, at leaſt, ſhould be brought to the ſupport of charges in themſelves improbable.

Mr. Haſtings in his defence had complained, that his proſecutor had attempted to blacken theſe affidavits as raſh, irregular, and irrelevant; when they had been authenticated by the preſence of Sir Elijah Impey, and as he alſo obſerved, being taken in an enquiry, directed ſolely to eſtabliſh the guilt of Cheyt Sing, they were merely an acceſſary evidence in the preſent caſe, and were therefore leſs liable to ſuſpicion. The reaſoning in this laſt inſtance, Mr. Sheridan obſerved, would undoubtedly be good; but that the aſſertion that the enquiries were excluſively directed to the crimination of Cheyt Sing, had been proved an abſolute falſehood, as they were really intended to juſtify what was afterwards to be done. With reſpect to the epithets beſtowed on thoſe affidavits by his Honourable Friend, the truth would beſt appear from a review of their contents.—Mr. Sheridan then proceeded to remark on the affidavits ſeverally, as far as they related to charges againſt the Begums. Thoſe of the Jemmadars, or native ſubaltern officers, contained nothing, it appeared, but vague rumour and improbable ſurmiſe.

One deponent, that was a black officer in one of our regiments of Sepoys, ſtated, that having a conſiderable number of people as hoſtages, in a fort where he commanded, and who had been ſent thither by Colonel Hannay, the country people got round the fort, and demanded that they ſhould be delivered up; but inſtead of complying with their requeſt, he put almoſt twenty of them to death: he afterwards threw down ſome of the battlements of the fort, and killed four more of the hoſtages; and, on another day, the heads of 18 more were ſtruck off, and among them the head of a great Rajah of the country, by order of Colonel Hannay.

The people round about were enraged at this execution, and crowded about the fort: ſome of them were heard to ſay that the Begums had offered a reward of 1000 rupees for the head of every European, 100 for the head of every Sepoy Officer, and 10 for the head of a common Sepoy.—But it appeared afterwards pretty clearly that no ſuch rewards had in reality been offered; for when Captain Gordon's detachment took the field, the people who ſurrounded him told him, that if he would deliver up his arms and his baggage, they would let him and his men continue their route unmoleſted: ſo little were they diſpoſed to enrich themſelves by the ſlaughter of the Britiſh forces, that when Captain Gordon's detachment was reduced by deſertion to *ten* men, and when the ſlaughter or capture of them would have been of courſe a work of very little difficulty, the country people remained ſatisfied with the diſperſion of the detachment, and then returned to their homes, without attempting to attack the poor remains of that detachment, the *ten* men who continued with Captain Gordon. That gentleman, in his affidavit, *ſuppoſed* the Begums to have encouraged the country people to riſe, becauſe when he arrived at the bank of the river *Saunda Nutta*, on the oppoſite bank of which ſtands the town of Saunda, the Fowzdar, or Governor, who commanded there for the *Bow Begum*, in whoſe jaghire the town lay, did not *inſtantly* ſend boats to carry him and his men over the river, and becauſe the Fowzdar pointed two or three guns acroſs the river. Now, admitting both theſe facts to be true, they could not affect the Begums; for it was the duty of the Fowzdar to be on his guard, and not to let troops into his fort, until he knew for what purpoſe they appeared before it. In the next place, there was nothing in the affidavit which indicated that the guns were pointed againſt *Captain Gordon and his men*; on the contrary, it was poſſible that theſe guns had made that gentleman's purſuers diſperſe; for it was rather remarkable, that they ſhould purſue him whilſt he was *in force*, and ſhould give over the purſuit, when, by the deſertion of his ſoldiers, his detachment was reduced to *ten* men. However, whatever might have been the cauſe of their diſperſion, Captain Gordon at length got acroſs the river, and found himſelf in a place of *ſafety*, as ſoon as he got into a town that was under the authority of the Begums, who cauſed him to be ſent afterwards under a protecting guard to Colonel Hannay. This circumſtance was ſuppreſſed in the affidavit made afterwards by Captain Gordon; for what purpoſe it was not for him to judge.

Hyder Beg Cawn, the Miniſter of the Nabob, though ſwearing both to rumour and to fact, could mention no particulars of an inſurrection which was to have dethroned his Sovereign. Nor was the evidence of Col. Hannay and the other Engliſh Officers more concluſive: loud ſuſpicions appeared to have been propagated at a time of general diſturbance, and when the flames of war were raging in the neighbouring province of Benares. Mr. Middleton, though ſwearing after he had received his final orders from Mr. Haſtings reſpecting the ſeizure of the treaſures, could only ſay, that he believed the Begums had given countenance to the rebels, and, he had heard, ſome aid. The whole of the depoſitions, Mr. Sheridan obſerved, were ſo futile, that were they defended in an inferior court of juſtice, he was convinced he ſhould be forbidden to reply, and told that he was combating with that which was nothing!

With reſpect to the firſt part of the charge, the *rebellion* of the Begums, he could find no trace of any ſuch tranſaction.

"The beſt antiquarian in our Society," ſaid Mr. Sheridan, "would be, after all, "never the wiſer!—Let him look where "he would, where can he find any veſ- "tige of battle, or a ſingle blow? In "this rebellion, there is no ſoldier, nei- "ther horſe nor foot: not a man is "known fighting: no office-order ſur- "vives, not an expreſs is to be ſeen. "This Great Rebellion, as notorious as "*our Forty-five*, paſſed away—unnatu- "ral, but not raging—*beginning* in *no-* "*thing*—and ending, no doubt, juſt as it "began!

"If rebellion, my Lords, can thus form "unſeen, it is time for us to look about "us. What hitherto has been *dramatic*, "may become *hiſtorical*. Knightſ- "bridge may at this moment be inveſt- "ed; and all that is left us, nothing but "the forlorn hope—of being dealt with "according to the ſtatute—by the ſound "of the Riot Act—and the ſight, if it "can be, of another Elijah!"

The Counſel had thought proper to dwell for a time on the Nabob's going to Fyzabad, on his return from Chunar, attended by a guard of 2000 men. Mr. Middleton being aſked, whether theſe men were well-appointed, though on another occaſion he had declared himſelf no military man, caught in the inſtant a *gleam* of *martial memory*, and anſwered in the affir-

affirmative. The contrary, however, was proved by the evidence of Capt. Edwards, who attended the Nabob as his Aid-de-Camp, and alſo that thoſe troops were actually mutinous for their pay, who were then taken to ſtop the progreſs of diſaffection! Yet he would agree to all that the Counſel required;—he would ſuffer the whole 2000 men to enter full trot into the city of Fyzabad — "while Middleton "ſtood by out of his wits, with a gleam "of martial memory, and while Sir Eli-"jah, like a man going to learn faſhions "in France, or freedom in England, "takes a ſportive tour, as ſmooth and "well-beaten as *Old Brentford*;" for Captain Edwards had fully proved, that it was merely the *uſual guard* of the Nabob.—It would therefore have been diſreſpectful to have gone with leſs attendance; he could have no motive for going *incog.* unleſs he might have intended to make himſelf a perfect match for the inſurrection, which was alſo *incog.* or thought that a *rebellion* without an *army*, would be moſt properly ſubdued by a *Prince* without a *guard*.

Another ſuppoſed proof of the diſaffection of the Begums was brought, by alledging that 1000 *Nudgies* had been raiſed at Fyzabad, and ſent to the aſſiſtance of Cheyt Sing, and this for no other reaſon than a detachment of the ſame number was in the liſt of the forces of that Rajah! This ſingle circumſtance was taken as full and complete evidence of the identity of thoſe troops. It was no matter that the Officer ſecond in command with Cheyt Sing had ſworn that the detachment came from Lucknow, and not from Fyzabad. This Mr. Haſtings would have to be a trifling miſtake of one capital for another!—The ſame Officer, however, had alſo depoſed, that the troops were of a different deſcription; thoſe of the Begum being ſwordſmen, and thoſe in the ſervice of the Rajah, matchlock men. The inference to be made therefore undoubtedly was, that the detachment did actually come from Lucknow; not ſent perhaps by the Nabob, but by ſome of the Jaghirdars, his favourites, who had abundant power for that purpoſe, and whoſe averſion to the Engliſh had always been avowed. The name of Sadib Ally, his half-brother, had been mentioned as being highly criminal in theſe tranſactions;—but to the queſtion, why he was not puniſhed? Sir Elijah Impey had given the beſt anſwer at that bar, by informing their Lordſhips that Sadib Ally was miſerably poor! He had therefore found protection in his *poverty*, and ſafety in his *inſolvency*. Every common maxim of judging on ſuch occaſions was certain to be overturned by Mr. Haſtings.—It was generally ſuppoſed that the needy were the moſt daring, and that neceſſity was the ſtrongeſt *ſtimulus* to innovation. But the Governor-General inverting this propoſition, had laid it down as an axiom—that the actions of the poor were ſufficiently puniſhed by contempt—that the guilt of an offender ſhould increaſe in a preciſe *ratio* with his wealth—and that, in fine, where there was no *treaſure*, there could undoubtedly be no *treaſon!*

Mr. Sheridan next read the letter of the Begum * to Mr. Haſtings, complaining of the ſuſpicions which had been ſo un-

* The letter was as follows:—"The diſturbances of Col. Hannay and Mr. Gordon "were made a pretence for ſeizing my jaghire. The ſtate of the matter is this:—When "Colonel Hannay was by Mr. Haſtings ordered to march to Benares during the troubles of "Cheyt Sing, the Colonel, *who had plundered the whole country, was incapable of proceeding, "from the union of thouſands of Zemindars, who had ſeized this favourable opportunity*; they har-"raſſed Mr. Gordon near Junivard, and the Zemindars of that place and Acherpore op-"poſed his march from thence, till he arrived near Saunda. As the Saunda Nutta, from "its overflowing, was difficult to croſs without a boat, Mr. Gordon ſent to the Fowzdar to "ſupply him: he replied, the boats were all in the river; but would aſſiſt him, according "to orders, as ſoon as poſſible. Mr. Gordon's ſituation would not admit of his waiting; "he forded the Nutta upon his elephant, and was hoſpitably received and entertained by the "Fowzdar for ſix days. In the mean time, a letter was received by me from Col. Hannay, "deſiring me to eſcort Mr. Gordon to Fyzabad. As my friendſhip for the Engliſh was al-"ways ſincere, I readily complied, and ſent ſome companies of Nejeebs to eſcort Mr. Gor-"don and all his effects to Fyzabad; where, having provided for his entertainment, I ef-"fected his junction with Colonel Hannay. The letters of thanks received from both theſe "gentlemen, upon this occaſion, are ſtill in my poſſeſſion, copies of which I gave in charge to "Major Gilpin, to be delivered to Mr. Middleton, that he might forward them to the Go-"vernor-General. To be brief, thoſe who have loaded me with accuſations, *are now clearly "convicted of falſehood*. But is it not extraordinary, that, notwithſtanding the juſtneſs of my "cauſe, nobody relieves my misfortunes! My prayers have been conſtantly offered to Heaven,

"but

juſtly raiſed of her conduct; and referring to Capt. Gordon, who could teſtify her innocence. He alſo read the letter of Capt. Gordon to the Begum *, thanking her for her interference, and acknowledging that he owed his life to her bounty. It had been aſked, with an air of ſome triumph, why Capt. Gordon was not called to that bar? He had anſwered then as now, that he would not call on a man who, in his affidavit, had ſuppreſſed all mention of this important tranſaction. He truſted, that if ever he ſaw him at that bar, he ſhould witneſs a contrite zeal to do away the effects of that ſilence, and behold a penitential tear for the part he had then taken. He hoped, however, for the honour of human nature, that Capt. Gordon was then under a deluſion—and that he was led on by Mr. Middleton, who was well informed of the buſineſs, to act a part of which he did not know the conſequences. Every feeling of humanity recoiled from the tranſaction taken in any other point of view. It was difficult to imagine that any man could ſay to a benefactor, "The breath that I now draw, "next to Heaven, I owe to you;—my "exiſtence is an emanation from your "bounty—I am indebted to you beyond "all poſſibility of return, and therefore, "—my *gratitude* ſhall be your *de-* "*ſtruction.*"

The original letters on this occaſion from Colonel Hannay and Captain Gordon to the Begum, had been tranſmitted by her through Major Gilpin to Mr. Middleton, for the purpoſe of being ſhewn to Mr. Haſtings; but the leaves were torn from Mr. Middleton's letter-book in the place where they ſhould have appeared. When examined on this ſubject, he ſaid, that he had depoſited Perſian copies of thoſe letters in the office at Lucknow, but that he did not bring tranſlations with him to Calcutta—becauſe he left Lucknow the very day after he had received the originals. This excuſe, Mr. Sheridan ſaid, he could boldly aſſert, was a *flat and decided perjury* †! It could be proved, by correſponding dates, that Middleton had received thoſe letters at leaſt a month before he left Lucknow. He departed from that city on the 17th of October, but muſt have received thoſe letters before the 20th of the preceding month. He was therefore well aware of the purity of thoſe in whoſe oppreſſion he was engaged; he knew that their attachment was fully proved, at the very time when they were charged with diſaffection; but as their puniſhment was predetermined, he, in concert with his principal, found it neceſſary to ſuppreſs the teſtimonials of their innocence.—This maſs of fraud and cruelty, covered as it had been by every art which the vile agents could deviſe, was now bared to the view, by the aid of that Power who can give a *giant's nerve* even to an *infant arm*. The injured ſufferers, with tears more powerful than argument, and with ſighs more impreſſive than eloquence,

"for your arrival; report has announced it, for which reaſon I have taken up the pen, and "requeſt you will not place implicit confidence in my accuſers, but weighing in the ſcale of "juſtice *their falſehoods* and *my repreſentations*, you will exert your influence in putting a "period to the misfortunes with which I am overwhelmed."——Here Mr. Sheridan remarked, that the plain and ſimple language of truth gave to the repreſentations of the Begum an Herculean force; her complaints were eloquence, her ſupplications perſuaſion, and her remonſtrances conviction.

* The letter was as follows:—"Begum Saib, of exalted dignity and generoſity, &c. whom "God preſerve.

"After preſenting the uſual compliments of ſervitude, &c. in the cuſtomary manner, my "addreſs is preſented.

"Your gracious letter, in anſwer to the petition of your ſervant from Goondah, exalted "me. From the contents I became unſpeakably impreſſed with the honour it conferred. "May the Almighty protect that royal purity, and beſtow happineſs, encreaſe of wealth and "proſperity.

"*The welfare of your ſervant is entirely owing to your favour and benevolence*, &c. &c."

† In this evidence, Mr. Sheridan ſaid in expreſs terms, "there appeared flat perjury!—"enormity, if it was ſo, beyond all expectation, made manifeſt——by that Power, "to whoſe nod all creatures muſt bend—to whom nothing, in the whole ſyſtem of "thought or action, is impoſſible—who can invigorate the arm of infancy with a giant's "nerve—who can bring light out of darkneſs, and good out of evil—can rive the con-"fines of hidden miſchief, and drag forth each miniſter of guilt from amidſt his deeds of "darkneſs and diſaſter—reluctant, alas! and unrepenting—to exemplify at leaſt, if not "atone—and to qualify any caſual ſufferings of innocence by the final doom of its oppoſite—"to prove there are the never-failing corrections of God, to make ſtrait the obliquity of "*Man!*"

ſup-

ſupplicated their Lordſhips juſtice, and called for that retribution which ſhould take place on the deteſted but unrepenting author of their wrongs!

The benevolent interference of the Begum in favour of Capt. Gordon, had been aſſigned by Mr. Haſtings in his defence, to her intelligence of the ſucceſſes of the Engliſh at that period.—That this allegation was founded in manifeſt falſehood, could very eaſily be proved.—The only ſucceſs which the Britiſh forces at that time met with, was that of Colonel Blair on the 3d of September, but where he himſelf acknowledged that another victory gained at ſuch a loſs, would be equal to a defeat.—The reports ſpread around the country at the time were of the moſt unfavourable caſt—that Mr. Haſtings had been ſlain at Benares, and that the Engliſh were every where routed.—Theſe reports, it was to be remarked, were of infinitely more conſequence to the preſent argument, than the facts which really occurred; but if any doubt remained on the mind of any man, it was only neceſſary to recur to a never-failing evidence, in that of Mr. Haſtings againſt himſelf.—In a letter to the Council, which was on record, Mr. Haſtings acknowledged, that from the 22d of Auguſt to the 22d of September, which included of courſe the time of Captain Gordon's liberation, he had been confined in a ſituation of the utmoſt hazard; that his ſafety during that time was extremely precarious; and that the affairs of the Engliſh were generally thought to be unfavourable in the extreme! In his defence, however, theſe admiſſions were totally forgotten. There was alſo an obſervable inconſiſtency in what was there alledged—that Colonel Hannay had written to the Begum in the ſtyle of ſupplication—becauſe, in the deſperate ſituation of affairs, he knew of no other which he could adopt; and yet, in the ſame ſentence it was averred, that the Begum had procured the releaſe of Capt. Gordon—from her knowledge of the proſperous advances of our army!—It appeared, therefore, beyond the poſſibility of a doubt, that thoſe Princeſſes had demonſtrated the firmneſs of their attachment to the Engliſh, not in the moment of ſucceſs—not from the impulſe of fear, nor from the proſpect of future protection;—but at a time when the hoard of collected vengeance was about to burſt over our heads; when the meaſure of European guilt in India appeared to be completely filled, by the oppreſſions which had juſt then been exerciſed on the unfortunate Cheyt Sing; and when offended Heaven ſeemed to interfere, to change the meek diſpoſition of the natives, to awaken their reſentments, and to inſpirit their revenge!

The *ſecond* of the remaining parts of the charge againſt the Begums, was their having inflamed the Jaghirdars. It was evident, however, even from the letters of Mr. Middleton himſelf, that no ſuch aid was wanted to awaken reſentments, which muſt unavoidably have ariſen from the nature of the buſineſs.—There were many powerful intereſts concerned;—the Jaghires which were depending were of a vaſt amount, and as their owners by the reſumption would be reduced at once to poverty and diſtreſs, their own feelings were ſufficient to produce every effect which had been deſcribed. It was idle, therefore, to aſcribe to the Begums, without a ſhadow of proof, the inſpiring of ſentiments which muſt have exiſted without their interference. "I ſhall not waſte "the time of the Court," ſaid Mr. Sheridan, "on ſuch a ſubject, but appeal to "your Lordſhips individually to determine, whether on a propoſal being "made to confiſcate your ſeveral eſtates "—and the magnitude of the objects are "not very unequal—the interference of "any two Ladies in this kingdom would "be at all neceſſary to awaken your reſentments, and to rouſe you to oppoſition," &c.

The diſcontents which prevailed in the province of Oude had been alſo, and with ſimilar juſtice, attributed to theſe Princeſſes, and formed the *third* and laſt article of charge againſt them. But the conduct of the officers reſiding in that province, the repeated complaints from the natives, and the acknowledged rapacity of Col. Hannay, left no difficulty in tracing thoſe diſcontents to the ſource where they had originated. The Nabob himſelf was ſo well convinced of the tyranny of Col. Hannay, that on a propoſition coming from Mr. Haſtings to ſend him back into the province, the Nabob ſwore by Mahomet, "That if the Colonel was ſent back, "he would quit the province, and come "to reſide with Mr. Haſtings." The Governor-General ſome time after ſent an apology for the ſuggeſtion, but it was then too late—Col. Hannay was dead—and the province was deſolate!

"Should a ſtranger ſurvey the land formerly Sujah Dowlah's, and ſeek the cauſe "of its calamity—ſhould he aſk, what "monſtrous madneſs had ravaged thus, "with wide-ſpread war—what deſolat-

"ing

" ing foreign foe—what diſputed ſuc-
" ceſſion—what religious zeal — what
" fabled monſter has ſtalked abroad, and
" with malice and mortal enmity to man,
" has withered with the gripe of death
" every growth of nature and humanity
" —all the means of delight, and each ori-
" ginal, ſimple, principle of bare exiſtence?
" the anſwer will be, if any anſwer *dare*
" be given, No, alas! not one of theſe
" things! no deſolating foreign foe!—
" no diſputed ſucceſſion! no religious
" ſuperſerviceable zeal! This damp of
" death is the mere effuſion of Britiſh
" amity—we ſink under the preſſure of
" their ſupport—we writhe under the
" gripe of their peſtiferous alliance!

" Thus they ſuffered—in barren an-
" guiſh, and ineffectual bewailings. And,
" O audacious fallacy!—ſays the de-
" fence of Mr. Haſtings—What cauſe
" was there for any incidental ills, but
" their own reſiſtance?

" The cauſe was nature in the firſt-
" born principles of man. It grew with
" his growth; it ſtrengthened with his
" ſtrength! It taught him to underſtand;
" it enabled him to feel. For where
" there is human fate, can there be a pe-
" nury of human feeling?—Where there
" is injury, will there not be reſentment?
" —Is not deſpair to be followed by cou-
" rage? The God of Battles pervades
" and penetrates the inmoſt ſpirit of man,
" and rouſing him to ſhake off the bur-
" then that is grievous, and the yoke that
" is galling, will reveal the law written
" in his heart, and the duties and pri-
" vileges of his nature—the grand, uni-
" verſal compact of man with man!—
" That power is delegated in truſt, for
" the good of all who obey it—That the
" rights of men muſt arm againſt man's
" oppreſſion—for that indifference were
" treaſon to human ſtate, and patience
" nothing leſs than blaſphemy—againſt
" the laws which govern the world!"

That this repreſentation was not exaggerated, would appear from the deſcription of Major Naylor, who had ſucceeded Cpl. Hannay, and who had previouſly ſaved him from the vengeance which the aſſembled *Ryots* or huſbandmen were about to take on their oppreſſor. The progreſs of extortion, it appeared, had not been uniform in that province:—it had abſolutely increaſed as its reſources failed, and as the labour of exaction became more difficult, the *price* of that encreaſed *labour* had been charged as an additional tax on the wretched inhabitants!—At length, even in their meek boſoms, where *injury* never before begot *reſentment*, nor *deſpair* aroused to *courage*, encreaſed oppreſſion had its due effect. They aſſembled round their oppreſſor, and had nearly made him their ſacrifice. So deeply were they impreſſed with the ſenſe of their wrongs, that they would not accept of even life from thoſe who had reſcued Col. Hannay! They preſented themſelves to the ſwords of the ſoldiery, and as they lay bleeding on the banks of their ſacred ſtream, they comforted themſelves with the ghaſtly hope, that their blood would not deſcend into the ſoil, but that it would aſcend to the view of the God of Nature, and there claim a retribution for their wrongs!—Of a people thus injured, and thus feeling, it was an audacious fallacy to attribute the conduct to any external impulſe.—That God, who gave them the *form* of *man*, implanted alſo the wiſh to vindicate the *rights* of man. Though ſimple in their manners, they were not ſo uninformed as not to know—that Power is in every ſtate a truſt repoſed for the general good; and that the truſt being once abuſed, ſhould of courſe be inſtantly reſumed.

Though the innocence of the Begums, Mr. Sheridan continued, was thus proved beyond a poſſibility of doubt, it could not but be allowed that he argued fairly, if he did not immediately infer, from that proof, the guilt of Mr. Haſtings. He would go ſo far as to admit, that Mr. Haſtings might have been deluded by his accomplices, and have been perſuaded into a conviction of a criminality which did not exiſt. If that were proved, he would readily agree to acquit the priſoner of the preſent charge. But if, on the contrary, there appeared, in his ſubſequent conduct, ſuch a concealment as denoted the fulleſt conſciouſneſs of guilt; if all his narrations of the buſineſs were marked with inconſiſtency and contradiction, that mind muſt be inacceſſible to conviction, which could entertain a doubt of his criminality. —From the month of September, in which the ſeizure of the treaſures took place, until the January following, had Mr. Haſtings wholly concealed the tranſaction from the Council at Calcutta! If any thing could be more ſingular than this concealment, it was the reaſons by which it was afterwards attempted to be juſtified. Mr. Haſtings firſt pleaded a *want* of *leiſure*. He was writing to the Council at a time when he complained of an abſolute inaction:—he found time to narrate ſome pretty Eaſtern tales, reſpecting the attachment

tachment of the Sepoys to their *cannon*, and their dreſſing them with flowers on particular occaſions—but of a rebellion which convulſed an empire—of the ſeizure of the treaſures to ſuch an amount, he could not find leiſure to ſay one ſyllable, until he had ſecured an excuſe for his conduct in the poſſeſſion of the money.—The ſecond excuſe was, that all communication was cut off with Fyzabad; and this was alledged at the time when letters were paſſing daily between him and Mr. Middleton, and when Sir Elijah Impey had pronounced the road to be as free from interruption as that between London and Brentford.—The third excuſe was, that Mr. Middleton had taken with him on his departure from Chunar all the original papers which it was neceſſary for Mr. Haſtings to conſult!—That the original papers had not been removed was evident, however, from Mr. Haſtings ſending a copy of the treaty of Chunar to Mr. Middleton, on the fourth day after the Reſident's departure; though it appeared that it was reincloſed at a proper time to Mr. Haſtings, to be ſhewn to the Council. A copy of the ſame had been ſhewn to the Oriental Grotius, Sir Elijah Impey, which he confeſſed his having read at the time when he declared his ignorance of the guarantee granted to the Princeſſes of Oude! Looking to the abſurdity of reaſons ſuch as theſe aſſigned in defence of a ſilence ſo criminal; Mr. Sheridan declared, that he would lay aſide every other argument—that he would not dwell on any other topic of guilt, if the Counſel for Mr. Haſtings would but join iſſue on this point, and prove, to the ſatisfaction of the Court, that any of theſe excuſes were in the ſmalleſt degree ſufficient for the purpoſe for which they were aſſigned.

Amidſt the other artifices of concealment, was a letter from Col. Hannay, dated October 17, 1781, which Mr. Sheridan proved beyond diſpute could not have been written at the time, but was fabricated at a ſubſequent period, as it contained a mention of facts, which could by no poſſibility have been known to Col. Hannay at the time when it was pretended to have been written. Whatever elſe could be done for the purpoſe of concealment was done in that mixture of canting and myſtery, of rhapſody and enigma—"Mr. Haſtings' Narrative of his Journey to Benares."—He there ſet out with a ſolemn appeal to Heaven for the truth of his averments, and a declaration of the ſame purport to Mr. Wheeler: The faith, however, thus pledged, was broken both to God and man, for it was already in evidence, that no ſingle tranſaction had occurred as it was there ſtated!

The queſtion would undoubtedly occur to every perſon who had attended to theſe proceedings—"Why Mr. Haſtings "had uſed all theſe efforts to veil the "whole of this buſineſs in myſtery?"—It was not ſtrictly incumbent on him to anſwer the queſtion, yet he would reply, that Mr. Haſtings had obviouſly a *bloody* reaſon for the concealment.—He had looked to the natural effect of ſtrong injuries on the human mind; as in the caſe of Cheyt Sing, he thought that oppreſſion muſt beget reſiſtance; and the efforts which might be made by the Begums in their own defence, though really the *effect*, he was determined to repreſent as the *cauſe* of his proceedings.—Even when diſappointed in thoſe aims by the natural meekneſs and ſubmiſſion of thoſe with whom he was to act, he could not abandon the idea,—and accordingly in his letter to the Directors, of January 5, 1782, had repreſented the ſubſequent diſturbances in Oude, as the poſitive cauſe of the violent meaſures which he had adopted—*two months* before thoſe diſturbances had exiſtence!—He there congratulates his maſters on the ſeizure of thoſe treaſures which, by the law of Mahomet, he aſſures them were the property of Aſoph ul Dowlah. Thus the perturbed ſpirit of the Mahometan law, according to Mr. Haſtings' idea, ſtill hovered round thoſe treaſures, and envied them to every poſſeſſor, until it at length ſaw them ſafely lodged within the *ſanctuary* of the Britiſh Treaſury!—In the ſame ſpirit of piety, Mr. Haſtings had aſſured the Houſe of Commons, that the inhabitants of Aſia believed that ſome unſeen power interfered, and conducted all his purſuits to their deſtined end.—That Providence, however, which thus conducted the efforts of Mr. Haſtings, was not the Providence to which others profeſs themſelves indebted; which interferes in the cauſe of virtue, and inſenſibly leads guilt towards its puniſhment; it was not, in fine, that Providence

"*Whoſe works are goodneſs, and whoſe ways are right.*"

The unſeen power which protected Mr. Haſtings, operated by leading others into criminality, which, as far as it reſpected the Governor-General, was highly fortunate in its effects.—If the Rajah Nunducomar brings a charge againſt Mr. Haſtings, Providence ſo orders it, that

the Rajah has committed a *forgery* ſome years before, which, with ſome *friendly aſſiſtance*, proves a ſufficient reaſon to remove out of the way ſo troubleſome an acquaintance.—If the Company's affairs are deranged through the want of money, Providence ordains it ſo that the Begums, though *unconſciouſly*, fall into a rebellion, and give Mr. Haſtings an opportunity of ſeizing on their treaſures! Thus the ſucceſſes of Mr. Haſtings depended not on any poſitive merit in himſelf; it was to the inſpired *felonies*, the heaven-born *crimes*, and the providential *treaſons* of others that he was indebted for each ſucceſs, and for the whole tenor of his proſperity!

It muſt undoubtedly bear a ſtrange appearance, that a man of reputed ability ſhould, even when acting wrongly, have had recourſe to ſo many bungling artifices, and ſpread ſo thin a veil over his deceptions. But thoſe who teſtified any ſurpriſe at this circumſtance, muſt have attended but little to the demeanor of Mr. Haſtings. Through the whole courſe of his conduct, he ſeemed to have adhered to one general rule—to keep as clear as poſſible off the fact which he was to relate!—Obſerving this maxim, his only ſtudy was to lay a foundation as *fanciful* and as ornamented as poſſible; then by a ſuperadded maſs of fallacies, the ſuperſtructure was ſoon complete, though by ſome radical defect it never failed to tumble on his own head: riſing from thoſe ruins, however, he was ſoon found rearing a ſimilar edifice, but with a like effect.—Delighting in difficulties, he diſdained the plain and ſecure foundation of truth; he loved, on the contrary, to *build* on a *precipice*, and to *encamp* on a *mine*.—Inured to falls, he felt not the danger, and frequent defeats had given him a hardihood, without impreſſing a ſenſe of the diſgrace.

It had been a maxim once as much admitted in the practice of common life, as in the ſchool of philoſophy, that where heaven was inclined to deſtroy the vice, it began by debaſing the intellect. This idea was carried ſtill farther by the Right Hon. Gentleman, Mr. Burke, who opened the proſecution, who declared that *prudence* and *vice* were things abſolutely incompatible;—that the vicious man being deprived of his beſt energies, and curtailed in his proportion of underſtanding, was left with ſuch a ſhort-ſighted degree of penetration, as could not come under the denomination of *prudence*.—This ſentiment did honour to the name of his Right Hon. Friend, "to whom," ſaid Mr. Sheridan, "I look up with homage!—whoſe genius is commenſurate "to philanthropy—whoſe memory will "ſtretch itſelf beyond the fleeting ob"jects of any little partial ſhuffling— "through the whole wide range of hu"man knowledge, and honourable aſpi"ration after human good—as large as "the ſyſtem which forms life—as "laſting as thoſe objects that adorn it."

But it was ſtill to be remembered, that there were other characters beſide a Cæſar and a Cromwell, who, acting on determinations inimical to virtue, and hoſtile to the laws of ſociety, had proceeded, if not with *prudence*, yet with an all-commanding *ſagacity*, that was productive of ſimilar effects. Thoſe, however, were iſolated characters, which left the vice that dared to follow either in a ſtate of deſpondent vaſſalage, or involved it in deſtruction. Such was the preſent inſtance of failure, and ſuch it was always to be truſted would be that of every other who regarded ſuch characters with an eye of emulation. Such was the perpetual law of Nature, that virtue, whether placed in a circle more contracted or enlarged, moved with ſweet conſent in its allotted orbit;—there was no diſſonance to jar, no aſperity to divide;—and that harmony which made its felicity, at the ſame time conſtituted its protection. —Of vice, on the contrary, the parts were diſunited, and each in barbarous language clamoured for its pre-eminence. —It was a ſcene where though one domineering paſſion might have ſway, the others ſtill preſſed forward with their diſſonant claims, and in the *moral world*, effects ſtill awaiting on their cauſes, the diſcord of courſe enſured the defeat.

Mr. Sheridan reverted again to the ſubject of the claims made on the Princeſſes of Oude—Whether thoſe were firſt made by the Nabob, or ſuggeſted to him by his Sovereign, Mr. Haſtings, though the Counſel had laboured much to prove the former, appeared to him to carry very little difference. If the ſeizure was made as a *confiſcation* and puniſhment for ſuppoſed guilt—then, if ever there was a crime which ought to paſs "unwhipped of juſtice," it was that where a ſon muſt neceſſarily be made the inſtrument of an infliction, by which he broke his covenant of exiſtence, and violated the condition by which he held his rank in ſociety. If, on the contrary, it was meant as a *reſumption*, in conſequence of a ſuppoſed right in the Nabob, then Mr. Haſtings ſhould have

have recollected the guarantee of the Company granted to the Begums; unleſs it was meant to ſay, that Mr. Haſtings acted in that as in other inſtances, and aſſured them of his protection,—until the very moment when it was wanted.—It was idle, however, to dwell on the conduct or free agency of a man who, it was notorious, had no will of his own. What Mr. Middleton aſſerted at that bar, would ſcarcely be put in competition with a ſeries of eſtabliſhed facts; by which it appeared, that the Nabob had ſubmitted to every indignity, and yielded to every aſſumption.—It was an acknowledged fact, that he had even been brought to join in that paltry artifice which had been termed the ſubornation of letters. This practice was carried to ſuch a length, that he in the end complained, in a manner rather ludicrous, that he was really tired of ſending different characters of Mr. Briſtow, in purſuance of the directions ſent to the Reſident.—He had pronounced black white and white black ſo often, that he really knew not what to ſay; and therefore begged that, once for all, the friends of Mr. Haſtings might be conſidered as his, and that their enemies might alſo be the ſame. After this it was ſuperfluous to argue that the Nabob could direct his views to ſo important an object as the ſeizing of the treaſures, unleſs he had been impelled by Mr. Middleton, and authorized by Mr. Haſtings!

At half paſt four o'clock, Mr. Sheridan being apparently exhauſted, by a ſpeech of four hours continuance, the Court adjourned.

Thirty-Fourth Day.

Tuesday, June 10.

The Lord Chancellor not having had it in his power to attend the Court this day, Earl Bathurſt preſided in his room, and took his ſeat upon the woolſack. His Lordſhip having called upon the Commons to proceed,

Mr. Sheridan roſe. He ſaid, that relying upon the attention with which he was honoured the laſt time he had the honour of addreſſing their Lordſhips, he would not recapitulate on this occaſion what he had ſaid on Friday, to ſhew that the Nabob of Oude had been reduced by Mr. Haſtings to the degraded ſtate of a dependent Prince, who had no will of his own, but was obliged to purſue any meaſure which Mr. Haſtings was pleaſed to dictate to him. The Counſel for the priſoner had laboured to impreſs their Lordſhips with an idea, that the Nabob was a Prince ſovereignly independent, and in no degree ſubject to the controul of Mr. Haſtings; but after the numberleſs proofs that had been given of his being a cypher in the hands of the Governor-General, it would be incumbent on the Counſel to prove his independence by very ſtrong evidence indeed; and he believed, that in the affair of the reſumption of the jaghires and the ſeizure of the treaſures in particular, they would find it a very difficult matter to execute ſuch a taſk. The Hon. Managers had aſſerted, that the meaſure of ſeizing the treaſures had originated with Mr. Haſtings, and they had given in evidence many ſtrong proofs in ſupport of the aſſertion; it would be incumbent therefore on the Counſel to prove, that the meaſure had originated with the Nabob; and of that they could not give a more ſatisfactory proof than the paper, or inſtrument, in which it was originally propoſed by him to Mr. Haſtings: but as he believed no ſuch propoſition ever came from the Nabob, as an original meaſure, ſo he took it for granted, the Counſel could never produce any letter or paper from that Prince, containing any ſuch propoſition, as coming immediately from himſelf.

The ſeizure of the treaſures and the jaghires was the effect of a dark *conſpiracy*, in which no more than *ſix* perſons were concerned. Three of the conſpirators were of a higher order—theſe were Mr. *Haſtings*, who might be conſidered as the principal and leader in this black affair; Mr. *Middleton*, the Engliſh Reſident at Lucknow; and Sir *Elijah Impey*;—the three inferior or ſubordinate conſpirators were, *Hyder Beg Khan*, the nominal Miniſter of the Nabob, but in reality the creature of Mr. Haſtings; Colonel *Hannay*, and *Ali Ibrahim Khan*.

Sir Elijah Impey was intruſted by Mr. Haſtings to carry his orders to Mr. Middleton, and to concert with him the means of carrying them into execution. As this gentleman was a principal actor in this iniquitous affair, Mr. Sheridan thought it would be neceſſary to take notice of ſome parts of the evidence which he had delivered upon oath at their Lordſhips bar.

When Sir Elijah was aſked, what became of the Perſian affidavits (ſworn before him) after he had delivered them to Mr. Haſtings?—he replied, that he really did not know. He was aſked, if he had got them tranſlated, or knew of their having been tranſlated, or had any converſation with Mr. Haſtings on the ſub-

ject of the affidavits?—He replied, that he knew nothing at all of their having been tranſlated, and that he had no converſation whatever with Mr. Haſtings on the ſubject of the affidavits after he had delivered them to him. He was next aſked, whether he did not think it a little ſingular, that he ſhould not have held any converſation with the Governor-General, on a ſubject of ſo much moment as was that of the affidavits he had taken? His anſwer was, that he did not think it ſingular; and his reaſon for thinking it was not, was, that he left Chunar the very day after he delivered the affidavits to Mr. Haſtings. From this anſwer their Lordſhips might infer, that Sir Elijah, on quitting Chunar, had left the Governor-General behind him: but Mr. Sheridan ſaid, he would prove that this was by no means the caſe; for, from letters written by Sir Elijah himſelf, and which had been read in evidence, it appeared, that he arrived at Chunar the 1ſt of December 1781; that he then began to take affidavits; that having compleated that buſineſs, he and Mr. Haſtings left Chunar together, and ſet out on the road to Benares; and that, having been together from the firſt to the ſixth of December, the former took leave of the latter, and proceeded on his way to Calcutta.—Here Mr. Sheridan left their Lordſhips to judge, how far Sir Elijah Impey had or had not attempted to impoſe upon them, when he ſaid, that his reaſon for not thinking it ſingular, that he ſhould not have had any converſation with Mr. Haſtings on the ſubject of the affidavits, after he had delivered them to that gentleman, was—*that he left Chunar the very next day.*—The inference was, that *therefore* he could not have converſed with him; but now their Lordſhips muſt ſee that ſuch an inference would be falſe, as Sir Elijah left Chunar in company with the Governor-General, and continued with him till the 6th of December. If, then, the anſwer made by Sir Elijah was ſo worded, as to lead to a falſe inference, it would be for their Lordſhips to judge, whether the whole of his evidence, on that point, was or was not calculated to miſlead and deceive them.

There was another part of the ſame gentleman's evidence, which he would prove was not entitled to any credit from their Lordſhips. Sir Elijah had *ſworn*, that he knew nothing of the Perſian affidavits having been tranſlated. Now it ſo happened, that a letter from Major William Davy, the confidential Secretary of Mr. Haſtings, and Perſian tranſlator, had been read to their Lordſhips in evidence, from which it appeared, that he had made an affidavit *before* Sir Elijah Impey himſelf, at Buxar, on the 12th of December, juſt ſix days after that gentleman and Mr. Haſtings parted, the purport of which was, that the papers annexed to the affidavit were faithful tranſlations of the Perſian affidavits (alſo annexed) taken by Sir Elijah; the date (the 12th of December) appeared no fewer than *ſix times* in Major Davy's depoſitions, ſo that there could not be any miſtake in it; it was ſworn before Sir Elijah, and *was ſigned by him*; and yet, that gentleman had *ſworn*, before their Lordſhips, that he had never heard of any tranſlation of thoſe Perſian affidavits. Upon theſe two circumſtances, Mr. Sheridan ſaid, he would make only one remark, which had been uſed by a very great man, "*That no one could tell where to look for truth, if it could not be found on the Judgment Seat, or know what to credit, if the affirmation of a Judge was not to be truſted.*"

Sir Elijah Impey, as he had obſerved before, was intruſted by Mr. Haſtings to concert with Mr. Middleton the means of carrying into execution the orders of which Sir Elijah was the bearer from the Governor-General to the Reſident. Theſe orders did not appear any where in *writing*; but their Lordſhips had been made acquainted with the purport of them by the moſt ſatisfactory evidence: they therefore knew, that Mr. Middleton was, in obedience to them, to perſuade the Nabob to propoſe, as from himſelf, to Mr. Haſtings, the ſeizure of the Begums treaſures.—That this was the real fact, would appear unqueſtionable, from the general tenor of Mr. Middleton's letters on the ſubject, and from Mr. Haſtings's own account of the buſineſs in his defence.—The latter appeared to be extremely at a loſs how to act about the treaſures.—The (ſuppoſed) rebellion of the Begums made it extraordinary, that, at the moment when he was confiſcating their eſtates, he ſhould ſtipulate, that an annual allowance, equal to the produce of thoſe eſtates, ſhould be ſecured to them: he found himſelf embarraſſed how to proceed alſo reſpecting the treaſures; for, on the one hand, he did not wiſh to appear the principal mover in ſeizing them, and yet he did not heſitate to charge them with treaſon and rebellion, for which he might have ſeized them as forfeited to the ſtate. In the latter caſe, it looked as if

he

he feared to do what the treaſon of the Begums would have juſtified him in doing. His embarraſſments on this occaſion proved, that he was conſcious of the injuſtice of his proceedings againſt thoſe ladies.—If they were notoriouſly in rebellion, there could not be any ground for his being aſhamed of appearing in the meaſure of ſeizing their property: it was only the conſciouſneſs of their innocence that could make him afraid of undertaking what would bring upon him the execration of all ranks of people. In this perplexity, he deſired Sir Elijah Impey would inſtruct Mr. Middleton to urge the Nabob to propoſe, as from himſelf, the ſeizure of the treaſures. The unhappy Prince, without a will of his own, conſented to make the propoſal, as an alternative for the reſumption of the jaghires, a meaſure to which he had the moſt unconquerable reluctance. Mr. Haſtings, as it were to indulge the Nabob, agreed to the propoſal, rejoicing at the ſame time that his ſcheme had proved ſo far ſucceſsful, as that this propoſal, coming from the Nabob, would, as he thought, free him (Mr. Haſtings) from the odium of plundering the Princeſſes. But the artifice was too ſhallow, and their Lordſhips were now able to trace the meaſure to its ſource. They were now apprized, from the evidence, that Mr. Haſtings had *ſuggeſted* it to Sir Elijah Impey, that he might *ſuggeſt* it to Mr. Middleton, that he might *ſuggeſt* it to the Nabob, that his Highneſs might *ſuggeſt* it to Mr. Haſtings; and thus *ſuggeſtion* returned to the place from which it originally ſet out. One ſingle paſſage from a letter, wrote by Mr. Middleton to Mr. Haſtings, on the 2d of December 1781, would make this point appear as clear as day. In this paſſage Mr. Middleton informed the Governor-General, "That the Nabob, wiſhing "to evade the meaſure of reſuming the "jaghires, had ſent him a meſſage to the "following purport:——That if the "meaſure propoſed was intended to pro-"cure the payment of the balance due "to the Company, he could better and "more expeditiouſly effect that object, "by taking from his mother the trea-"ſures of his father, which he aſſerted "to be in her hands, and to which he "claimed a right, founded in the laws "of the Koran; and that it would be "ſufficient that he (Mr. Haſtings) "*would hint his opinion upon it, without "giving a formal ſanction to the mea-"ſure propoſed.* Mr. Middleton added, "*The reſumption of the jaghires it is "neceſſary to ſuſpend, till I have your "anſwer to this letter.*"

Upon this letter, Mr. Sheridan ſaid, he had ſome obſervations to make. In the firſt place, it was clear, that though the Nabob had conſented to make the deſired propoſal for ſeizing the treaſures, it was only an *alternative*; for it entered into the Nabob's head both to ſeize the treaſures, and reſume the jaghires: the former meaſure he wiſhed to ſubſtitute in the room of the latter, and by no means to couple them together; but Mr. Haſtings was too nice a reaſoner for the Prince—— for he inſiſted that one meaſure ſhould be carried into execution, becauſe the Nabob had propoſed it; and the other, becauſe he himſelf determined upon it; and thus each party found his *alternative* adopted.

Another remark upon this letter was, that here the Nabob was ſtill taught to plead his right to the treaſures, as founded upon the laws of the Koran; but not a word was ſaid about the *guarantee* and *treaty* that had barred or extinguiſhed that right, whatever it might have been. But if all that Mr. Haſtings would have the world believe was true, he had a much better claim, againſt which the treaty and guarantee could not be pleaded; and that was the *treaſon* of the Begums, by which they had forfeited all their property to the ſtate, and every claim upon the Engliſh for protection. But upon this right by forfeiture, the Nabob was ſilent; he was a ſtranger to rebellion, and to the treaſon of his parents; and therefore was reduced to the neceſſity of reviving a claim under the laws of the Koran, which the treaty and guarantee had for ever barred.

The laſt obſervation with which he would trouble their Lordſhips, was upon the very remarkable expreſſion contained in this letter—"That it would be ſufficient "to *hint his* (Mr. Haſtings) *opinion upon "it, without giving a formal ſanction "to the meaſure propoſed.*"—Why this caution? If the Begums had been guilty of treaſon, why ſhould he be fearful of declaring to the world, that it was not the practice of the Engliſh to protect rebellious ſubjects, and prevent their injured ſovereigns from proceeding againſt them according to law? That therefore he conſidered the treaty and guarantee, by which the Begums held their property, as no longer binding upon the Engliſh government, who conſequently could have no further right to interfere between the Nabob and his rebellious parents, but ought

to leave him at liberty to puniſh or forgive them as he ſhould think fit. But, inſtead of holding this language, which manlineſs and conſcious integrity would have dictated, had he been convinced of the guilt of the Begums, Mr. Haſtings wiſhed to derive all poſſible advantage from *active* meaſures againſt the Begums, and, at the ſame time, ſo far to ſave appearances, as that he might be thought to be *paſſive* in the affair.

Mr. Sheridan remarked, that in another paſſage of the ſame letter upon which he had juſt made theſe obſervations, Mr. Middleton informed the Governor-General, that he ſent him at the ſame time a letter from the Nabob on the ſubject of ſeizing the treaſures; but this letter had been ſuppreſſed. Mr. Sheridan called upon the Counſel for the priſoner to produce it, and then it would ſpeak for itſelf; or to account ſatisfactorily to their Lordſhips for its not having been entered upon the Company's records. But this, he ſaid, was not the only ſuppreſſion of which he had reaſon to complain; the affidavit of Goulaſs Roy, who lived at Fyzabad, the reſidence of the Begums, and who was known to be their enemy, was ſuppreſſed. No perſon could be ſo well informed of their guilt, if they had been guilty, as Goulaſs Roy, who lived upon the ſpot where levies were ſaid to have been made for Cheyt Sing, by order of the Begums. Therefore, if his teſtimony had not deſtroyed the idea of a rebellion on the part of the Begums, there was no doubt but it would have been carefully preſerved. The information of Mr. Scott had alſo been ſuppreſſed. That gentleman had lived unmoleſted at Saunda, where Sumpſhire Khan commanded for the Begums, and where he had carried on an extenſive manufacture, without the leaſt hindrance from this (ſuppoſed) diſaffected Governor Sumpſhire Khan.—Mr. Scott was at Saunda when Captain Gordon arrived there, and when it was ſaid that the Governor pointed the guns of the fort upon Captain Gordon's party. If this circumſtance had really happened, Mr. Scott muſt have heard of it, as he was himſelf at the time under the protection of thoſe very guns. Why then was not the examination of this gentleman produced? He believed their Lordſhips were ſatisfied, that if it had ſupported the allegations againſt Sumpſhire Khar, it would not have been ſuppreſſed.

Mr. Sheridan ſaid, it was not clear to him that ſervile a tool as Mr. Middleton was, Mr. Haſtings had thought proper to entruſt him with every part of his intentions throughout the buſineſs of the Begums; he certainly miſtruſted, or pretended to miſtruſt him in his proceedings relative to the reſumption of the Jaghires. When it began to be rumoured abroad, that terms ſo favourable to the Nabob, as he obtained in the treaty of Chunar, by which Mr. Haſtings conſented to withdraw the temporary brigade, and to remove the Engliſh gentlemen from Oude, would never have been granted, if the Nabob had not bribed the parties concerned in the negociation, to betray the intereſt of the Company. Soon as theſe rumours reached the ears of Mr. Haſtings, he accuſed Mr. Middleton and his aſſiſtant Reſident, Mr. Johnſon, with having accepted bribes from the Nabob. They both joined in the moſt ſolemn aſſurances of their innocence, and called God to witneſs the truth of their declarations. Mr. Haſtings, after this, appeared ſatisfied: poſſibly the conſciouſneſs that he had in his own pocket the only bribe which had been given on the occaſion (the 100,000 l.) might have made him the leſs earneſt in proſecuting any further enquiry into the buſineſs.

From a paſſage in a letter from Mr. Haſtings, it was clear he did not think proper to commit to *writing* all the orders that he wiſhed Mr. Middleton to execute; for there Mr. Haſtings expreſſed his doubts of that perſon's "firmneſs "and activity, and, *above all*, of his "RECOLLECTION of *his* INSTRUC-"TIONS, and their importance; and "ſaid, that if he (Mr. Middleton) "cou'd not rely on his own power, and "the means he poſſeſſed for performing "thoſe ſervices, he would *free him from* "*the charge*, and would proceed *himſelf* "to Lucknow, and would *himſelf* un-"dertake them."

Their Lordſhips muſt preſume that the *inſtructions* alluded to muſt have been *verbal*; for had they been *written*, there was no danger of their having been forgot. Here Mr. Sheridan called upon the Counſel to ſtate what thoſe inſtructions were, which were of ſo much *importance*, which the Governor was greatly afraid Mr. Middleton would not recollect, and which, nevertheleſs, he did not dare to commit to writing, which would have been the moſt effectual way to prevent him from forgetting them.

To make their Lordſhips underſtand ſome other expreſſions in the above paſſage, Mr. Sheridan recalled to their memory,

mory, that it had appeared in the evidence, that Mr. Middleton had a ſtrong objection to the reſumption of the jaghires, which he thought a ſervice of ſo much danger, that he removed Mrs. Middleton and her family when he was about to enter upon it; for he expected reſiſtance not only from the Begums, but from the Nabob's own Aumeels, who knowing that the Nabob was a reluctant inſtrument in the hands of the Engliſh, thought they would pleaſe him by reſiſting a meaſure to which they knew he had given his authority *againſt his will*: in a word, Mr. Middleton expected that the whole country, as one man, would riſe againſt him; and therefore it was that he ſuſpended the execution of the order of reſumption, until he ſhould find whether the ſeizing of the treaſures, propoſed *as an alternative*, would be accepted *as ſuch*. Mr. Haſtings preſſed him to execute the order for reſuming the jaghires, and offered to go himſelf upon that ſervice, if the other ſhould decline it. Mr. Middleton, at laſt, having received a thundering letter from Mr. Haſtings, by which he left him to act under "a dreadful reſponſibility," ſet out for Fyzabad. For all the cruelties and barbarities that were executed there, the Governor-General in his narrative ſaid, he did not hold himſelf reſponſible, becauſe he had commanded Mr. Middleton to be *perſonally* preſent during the whole of the tranſaction, until he ſhould have completed the buſineſs of ſeizing the treaſures, and reſuming the jaghires.—But for what purpoſe had he ordered Mr. Middleton to be preſent? He would anſwer, by quoting the orders verbatim. — "You *yourſelf* "muſt be *perſonally preſent*—you muſt "not allow any negociation or forbear-"ance; but muſt proſecute both ſervices "until the Begums are at the entire "mercy of the Nabob."—Theſe peremptory orders, given under "a dreadful reſponſibility," were not iſſued for purpoſes of *humanity*, that the preſence of the Reſident might reſtrain the violence of the ſoldiers, but that Mr. Middleton ſhould be a watch upon the Nabob, to ſteel his heart againſt the feelings of returning nature in his breaſt, and prevent the poſſibility of his relenting, or granting any terms to his mother and grandmother. This was the abominable purpoſe for which Mr. Haſtings had commanded him to be preſent in perſon; and, on account of his preſence for ſuch an end, Mr Haſtings pleaded that he was not reſponſible for what was done on that occaſion at Fyzabad.

Here Mr. Sheridan *was taken ill*, and retired for a while, to try if in the freſh air he could recover, ſo as that he might conclude all he had to ſay upon the evidence on the ſecond charge.—Mr. Adam, in the mean time, read ſome letters of Mr. Middleton.—Some time after, Mr. Fox informed their Lordſhips, that Mr. Sheridan was much better, but that he felt he was not ſufficiently ſo, to be able to do juſtice to the ſubject he had in hand. The Managers therefore hoped their Lordſhips would be pleaſed to appoint a future day, on which Mr. Sheridan would finiſh his obſervations on the evidence.

Upon this their Lordſhips returned to their own Houſe, and adjourned the Court to Friday.

THIRTY-FIFTH DAY.

FRIDAY, JUNE 13.

At twelve o'Clock, the Lord Chancellor and the mover of the preſent Charge appeared in their reſpective places, and both in a ſtate of recovered health.

Mr. Sheridan began, by apologizing for the interruption which his indiſpoſition had cauſed on the former day. He aſſured their Lordſhips, in the ſtrongeſt terms, that nothing but the importance of the cauſe, to which he felt himſelf totally unable to do juſtice, could have made him treſpaſs on that indulgence which on other occaſions he had ſo amply experienced.

He had then concluded, with ſubmitting to their Lordſhips the whole of the correſpondence, as far as it could be obtained, between the principals and agents, in the nefarious plot carried on againſt the Nabob Vizier, and the Begums of Oude. Theſe letters were worthy the moſt abſtracted attention of their Lordſhips, as containing not only a narrative of that foul and unmanly conſpiracy, but alſo a detail of the motives and ends for which it was formed, and an expoſition of the trick, the quibble, the prevarication, and the untruth with which it was then acted, and now attempted to be defended!—The queſtion would undoubtedly ſuggeſt itſelf, why the correſpondence ever was produced by the parties againſt whom it was now adduced in evidence, and who had ſo much reaſon to diſtruſt the propriety of their own conduct?—To this the anſwer was, that it was owing to a mutual and *providential* reſentment which had broken out between

tween the parties, which was generally the caſe between perſons concerned in ſuch tranſactions. Mr. Middleton was incenſed, and felt as a galling triumph the confidence repoſed by the Governor-General in oth r Agents.—Mr. Haſtings was offended by the *tardy wariness* which marked the conduct of Middleton; by the vari us remonſtrances by the Agent—though as knowing the man to whom they wer addreſſed, they were all grounded on motives of policy, not of humanity; and of expediency, which left juſtice entirely out of the queſtion; but the great ottenſible ground of quarrel was, that Middleton had dared to ſpend *two days* in negociation—though that delay had prevented the general maſſacre of upwards of *two thouſand perſons!*——The real cauſe, however, of this difference was a firm belief on the part of Mr. Haſtings, that Mr. Middleton had inverted their different ſituations, and kept the *lion's ſhare* of plunder to himſelf. There were undoubtedly ſome circumſtances to juſtify this ſuſpicion. At the time when Mr. Haſtings had firſt complained, the Nabob's Treaſury was empty, and his troops ſo mutinous for their pay, as even to threaten his life; yet in this moment of *gratitude* and *opulence*, Middleton intimated the Nabob's deſire to make Mr. Haſtings a preſent of 100,000l. That ſacrifice, however, not being deemed ſufficient, Mr. Middleton was recalled, and Major Palmer was ſent in his room, with inſtructions to tell the Nabob that ſuch a donation was *not* to be attempted: the Prince, however, with an unfortunate want of recollection, ſaid that "no ſuch offer had ever been in his mind."—Thus, it had always been conſidered as the heightening of a favor beſtowed, that the receiver ſhould not know from what quarter it came; but it was reſerved for Mr. Middleton to improve on this by ſuch a *delicate refinement*, that the perſon giving ſhould be totally ignorant of the favor he conferred!

But notwithſtanding theſe little differences and ſuſpicions, Mr. Haſtings and Mr. Middleton, on the return of the latter to Calcutta in October 1782, continued to live in the ſame ſtyle of *friendly colluſion*, and *fraudulent familiarity* as ever. But when Mr. Britow, not anſwering the purpoſes of Mr. Haſtings, was accuſed on the *ſuborned* letters procured from the Nabob, one of which pronounced him the blackeſt character in exiſtence, while another, *of the ſame date*, ſpoke of him as a very honeſt fellow; Mr. Haſtings thought it might appear particular; and therefore, after their intimacy of ſix months, accuſes Mr. Middleton alſo before the Board at Calcutta. It was then that in the raſh eagerneſs which diſtinguiſhed his purſuit of every object, Mr. Haſtings had incautiouſly, but happily for the preſent purpoſes of juſtice, brought forth theſe ſecret letters. It mattered not what were the views which induced Mr. Haſtings to bring that charge; whether he had drawn up the accuſation, or obliged Middleton with his *aid* in framing a *defence*; the whole ended in a repartee, and a poetical quotation from the Governor-General. The only circumſtance material to the purpoſes of humanity, was the production of inſtruments, by which thoſe who had violated every principle of juſtice and benevolence, were to ſee their guilt explained, and, it was to be hoped, to experience that puniſhment which they deſerved.

To thoſe *private* letters it was that their Lordſhips were to look for whatever elucidation of the ſubject could be drawn from the parties concerned: written in the moments of confidence, they declared the real motive and object of each meaſure; the *public* letters were only to be regarded as proofs of guilt, whenever they eſtabliſhed a contradiction. The Counſel for the Priſoner had choſen, as the ſafeſt ground, to rely on the public letters, written for the concealment of fraud and purpoſe of deception. They had, for inſtance, particularly dweſt on a public letter from Mr. Middleton, dated in December 1781, which intimated ſome particulars of ſuppoſed contumacy in the Begums, with a view to countenance the tranſactions which ſhortly after took place, and particularly the reſumption of the Jaghires. But this letter both Sir Elijah Impey and Mr. Middleton had admitted, in their examination at that bar, to be totally falſe; though if it were in every point true, the apprehenſion of reſiſtance to a meaſure could not by any means be made a ground for the enforcement of that meaſure in the firſt inſtance. The Counſel ſeemed diſpleaſed with Mr. Middleton for the anſwer, and therefore repeated the queſtion. The witneſs, however, did not readily fall into their humour; for he declared, that he did not recollect a particle of the letter; and though *memory* was undoubtedly not the *forte* of Mr. Middleton, he was not, perhaps,

haps, entirely faulty on this occaſion, as the letter was certainly of a *later* fabrication, and perhaps not from his hand. This letter, however, was alſo in direct contradiction to every one of the Defences ſet up by Mr. Haſtings.—Another public letter, which had been equally dwelt on, ſpoke of the "determination of the Nabob" to reſume the Jaghires. It had appeared in evidence, that the Nabob could by no means be compelled to yield to their meaſures—that it was not until Mr. Middleton had actually iſſued his own *Perwannas* for the Collection of the Rents, that the Nabob, rather than be brought to the utmoſt ſtate of degradation, agreed to let the meaſure be brought forward on his own act! The reſiſtance of the Begums to that meaſure was noticed in the ſame letter, as an inſtance of *female levity*—as if their defence of the property aſſigned for their ſubſiſtence was to be made a reproach; — or that they deſerved a reproof for *female lightneſs*, by entertaining a *feminine* objection—to their being *ſtarved!*

This reſiſtance to the meaſure, which was expected, and the conſoling ſlaughter on which Mr. Haſtings relied, were looked to in all thoſe letters as a juſtification of the meaſure itſelf. There was not the ſmalleſt mention of the *anterior* rebellion, which by prudent *after-thought* had been ſo greatly magnified. There was not a ſyllable of thoſe dangerous machinations which were to have dethroned the Nabob;—of thoſe ſanguinary artifices by which the Engliſh were to have been extirpated—Not a particle concerning thoſe practices was mentioned in any of Middleton's letters to Haſtings, or in the ſtill more confidential communication which he maintained with Sir Elijah Impey; though after the latter his letters were continually poſting, even when the Chief Juſtice was travelling round the country in ſearch of affidavits. When on the 28th of November, he was buſied at Lucknow on that honourable buſineſs, and when three days after he was found at Chunar, at the diſtance of 200 miles, prompting his inſtruments, and like Hamlet's Ghoſt exclaiming—"SWEAR!"—his progreſs on that occaſion was ſo whimſically ſudden, when contraſted with the gravity of his employ, that an obſerver would be tempted to quote again from the ſame ſcene,—"*Ha! Old* Truepenny, *canſt thou mole ſo faſt i' the ground?*"—Here however the compariſon ceaſed — for when Sir Elijah made his viſit to Lucknow, "*to whet the almoſt blunted purpoſe*" of the Nabob, his language was wholly different from that of the Poet:—it would have been much againſt his purpoſe to have ſaid,

"Taint not thy mind, nor let thy ſoul contrive
"Againſt thy MOTHER aught!"

On the ſubject of thoſe Affidavits, he would only make another ſingle obſervation.—Sir Elijah Impey had denied all acquaintance with their contents, though he had been actually accompanied to Buxar by Major Davy, who there tranſlated them from the Perſian, for the uſe of Mr. Haſtings!—There was amongſt them, an Affidavit taken in Engliſh, from a Native at Buxar, but which was firſt explained to the deponent by Major Davy in the preſence of Sir Elijah Impey.—How far therefore the aſſertion of the Chief Juſtice was plauſible, and how far this fact was conſiſtent with that aſſertion, he ſhould leave it to their Lordſhips to determine.

It was in ſome degree obſervable, that not one of the private letters of Mr. Haſtings had been produced at any time.—Even Middleton, when all confidence was broken between them, by the production of his private correſpondence at Calcutta, either feeling for his own ſafety, or ſunk under the faſcinating influence of his maſter, did not dare attempt a retaliation!—The letters of Middleton, however, were ſufficient to prove the ſituation of the Nabob, when preſſed to the meaſure of reſuming the Jaghires, in which he had been repreſented as acting wholly from himſelf.—He was there deſcribed as loſt in ſullen melancholy—with feelings agitated beyond expreſſion, and with every mark of agonized ſenſibility. To ſuch a degree was this apparent, that even Middleton was moved to interfere for a temporary reſpite, in which he might be more reconciled to the meaſure. "I am fully of opinion," ſaid he, "that the deſpair of the Nabob muſt impel him to violence; I know alſo that the violence muſt be fatal to himſelf—but yet I think, that with his preſent feelings, he will diſregard all conſequences."—Mr. Johnſon alſo, the Aſſiſtant Reſident, wrote at the ſame time to Mr. Haſtings to aver to him that the meaſure was dangerous, that it would require a total Reform of the Collection, which could not be made without a *Campaign!*—This was *Britiſh* Juſtice! this was *Britiſh*

ti/h Humanity! Mr. Haſtings enſures to the Allies of the Company in the ſtrongeſt terms their Proſperity and his Protection;—the former he ſecures by ſending an army to plunder them of their wealth and to deſolate their ſoil!—his protection is fraught with a ſimilar ſecurity; "—like that of a Vulture to a Lamb—grappling in its Vitals!—thirſting for its Blood!—ſcaring off each Petty Kite that hovers round—and then, with an inſulting perverſion of terms, calling ſacrifice, *Protection!*

"An object for which Hiſtory ſearches for any ſimilarity in vain.—The deep-ſearching Annals of Tacitus—the luminous Philoſophy of Gibbon—all the Records of Man's Enormity, from Original Sin to this period in which we pronounce it, dwindle into comparative inſignificance of enormity—both in aggravations of vile Principles, and extent of their Conſequential Ruin!—The victims of this oppreſſion were confeſſedly deſtitute of all power to reſiſt their oppreſſors; but that debility, which from other boſoms would have claimed ſome compaſſion, with reſpect to the mode of ſuffering, here excited but the ingenuity of Torture! Even when every feeling of the Nabob was ſubdued, nature made a lingering, feeble ſtand within his boſom; but even then that cold unfeeling ſpirit of malignity, with whom his doom was fixed, returned with double acrimony to its purpoſe, and compelled him to inflict on a parent that deſtruction, of which he was himſelf reſerved but to be the laſt victim!"

Yet when cruelty ſeemed to have reached its bounds, and guilt to have aſcended to its climax, there was ſomething in the character of Mr. Haſtings, which ſeemed to tranſcend the latter, and overleap the former;—and of this kind was the letter to the Nabob, which was diſpatched on this occaſion. To rebuke Mr. Middleton for his moderation, as was inſtantly done, was eaſily performed through the medium of a public and a private letter.—But to write to the Nabob in ſuch a manner that the command might be conveyed, and yet the letter afterwards ſhewn to the world, was a taſk of more difficulty; but which it appeared by the event was admirably ſuited to the genius of Mr. Haſtings. His letter was dated the fifteenth of February 1782, though the Jaghires had been then actually ſeized—and it was in proof that it *had been ſent* at a much earlier period. *He there aſſured* the Nabob of his coincidence with his wiſhes reſpecting the reſumption of the Jaghires—he declares that if he found any difficulty in the meaſure—he, Mr. Haſtings, would go to his *aſſiſtance* in perſon, and lend his aid to *puniſh* thoſe who *oppoſed* it—"for that nothing could be more ardent than his friendſhip, or more eager than his zeal for his welfare." The moſt deſperate intention was clothed in the mildeſt language.—But the Nabob knew by ſad experience the character with whom he had to deal, and therefore was not to be deceived; he ſaw the *Dagger* gliſtening in the hand which was treacherouſly extended, as if to his aſſiſtance—and from that moment the laſt faint Ray of Nature expired in his boſom. Mr. Middleton from that time extended his Iron Sceptre without reſiſtance — the Jaghires were ſeized, every meaſure was carried, and the Nabob, his Feelings wounded, and his Dignity degraded, was no longer conſidered as an object of regard.—Though theſe were circumſtances exaſperating to the human heart which felt the ſmalleſt remains of ſenſibility, yet it was neceſſary, in idea, to review the whole from the time that this treachery was firſt conceived, to that when by a ſeries of artifices the moſt execrable, it was brought to a completion. Mr Haſtings would there be ſeen ſtanding aloof indeed, but not inactive in the war! He would be diſcovered reviewing his agents, rebuking at one time the pale conſcience of Mr. Middleton, and at another relying on the ſtouter villainy of Hyder Beg Cawn. With all the calmneſs of veteran delinquency, his eye ranged through the buſy proſpect, piercing through the darkneſs of ſubordinate guilt, and arranging with congenial adroitneſs the agents of his Crimes and the inſtruments of his Cruelty.

The feelings of the ſeveral parties at the time would be moſt properly judged of by their reſpective correſpondence. When the Bow Begum, deſpairing of redreſs from the Nabob, addreſſed herſelf to Mr. Middleton, and reminded him of the guarantee which he had ſigned, ſhe was inſtantly promiſed that the amount of her Jaghire ſhould be made good, though Mr. Middleton ſaid he could not interefere with the *ſovereign* deciſion of the Nabob reſpecting the lands. The deluded and unfortunate woman "thanked God that Mr. Middleton was at hand for her relief," at the very inſtant when he was directing every effort to her deſtruction;—when he had actually written

the orders which were to take the collection out of the hands of her agents! Even when the Begum was undeceived—when ſhe found that Britiſh faith was no protection, when ſhe found that ſhe ſhould leave the country, and prayed to the God of nations not to grant his peace to thoſe who remained behind;—there was ſtill no charge of *rebellion*, no recrimination made to all her reproaches for the broken faith of the Engliſh. Even when ſtung to madneſs, ſhe aſked "how long would be their reign," no mention of her diſaffection was brought forward; the ſtreſs was therefore idle, which the Counſel for the priſoner ſtrove to lay on theſe expreſſions of an injured and enraged woman.—When at laſt irritated beyond bearing, ſhe denounced Infamy on the heads of her Oppreſſors, who was there who would not ſay that ſhe ſpoke in a *prophetic* ſpirit, and that what ſhe had then predicted had not even to its laſt letter been accompliſhed! But did Mr. Middleton even to this violence retort any particle of accuſation? No; he ſent a *jocoſe* reply, ſtating that he had received ſuch a letter under her ſeal, but that from its contents he could not ſuſpect it to come from her, and begging therefore that ſhe might endeavour to detect the *forgery!*—Thus did he add to foul injuries, the vile aggravation of a *brutal jeſt*;—like the Tiger that prowls over the Scene where his Ravages were committed, he ſhewed the ſavageneſs of his Nature, by grinning over his Prey, and fawning over the laſt Agonies of his unfortunate Victim.

Thoſe letters were then encloſed to the Nabob, who no more than the reſt made any attempt to juſtify himſelf by imputing any criminality to the Begums. He only ſighed a hope, that his conduct to his parents had drawn no ſhame upon his head; and declared his intention to puniſh—not any diſaffection in the Begum—but ſome officious ſervants who had dared to foment the miſunderſtanding between them and the Nabob.—A letter was finally ſent to Mr. Haſtings, about ſix days before the ſeizure of the treaſure from the Begums, declaring their innocence, and referring the Governor-General to Captain Gordon, whoſe life they had protected, and whoſe ſafety ſhould have been their juſtification. That enquiry was never made; it was looked on as unneceſſary—becauſe the *conviction of their innocence* was too *deeply impreſſed!*

The Counſel in recommending an attention to the public in preference to the private letters, had remarked in particular, that one letter ſhould not be taken as evidence, becauſe it was evidently and abſtractedly private, as it contained in one part the anxieties of Mr. Middleton for the illneſs of his ſon.——This was a ſingular argument indeed. The circumſtance undoubtedly merited ſtrict obſervation, though not in the view in which it was placed by the Counſel.—It went to ſhew that ſome at leaſt of thoſe concerned in theſe tranſactions, felt the force of thoſe ties, which their efforts were directed to tear aſunder—that thoſe who could ridicule the reſpective attachment of a mother and a ſon—who would prohibit the reverence of the ſon to the mother who had given him life—who could deny to *maternal debility* the protection which *filial tenderneſs* ſhould afford—were yet ſenſible of the *ſtraining* of thoſe *chords* by which they were connected.—There was ſomething in the preſent buſineſs—with all that was horrible to create *averſion*—ſo vilely loathſome, as to excite *diſguſt*.—If it were not a part of his duty, it would be ſuperfluous to ſpeak of the ſacredneſs of the ties which thoſe aliens to feeling—thoſe apoſtates to humanity had thus divided.—In ſuch an aſſembly, ſaid Mr. Sheridan, as that before which I ſpeak, there is not an eye but muſt look reproof to this conduct—not a heart but muſt anticipate its condemnation.—"FILIAL "PIETY! It is the primal bond of So-"ciety—It is that inſtinctive principle, "which, panting for its proper good, "ſoothes, unbidden, each ſenſe and ſen-"ſibility of man!—It now quivers on "every lip!—it now beams from every "eye!—It is that gratitude, which ſoften-"ing under the ſenſe of recollected good, "is eager to own the vaſt countleſs debt "it never, alas! can pay—for ſo many "long years of unceaſing ſolicitudes, "honourable ſelf-denials, life-preſerv-"ing cares!—It is that part of our "practice, where duty drops its awe! "—where reverence refines into love! "—It aſks no aid of memory!—it "needs not the deductions of rea-"ſon!—Pre-exiſting, paramount over "all, whether law or human rule "—few arguments can encreaſe and "none can diminiſh it!—It is the ſa-"crament of our nature—not only the "duty, but the indulgence of man—It "is his firſt great privilege—It is a-

" mongſt his laſt moſt endearing de-
" lights! when the boſom glows with
" the idea of reverberated love—when to
" requite on the viſitations of nature,
" and return the bleſſings that have been
" received! when—what was emotion
" fixed into vital principle—what was
" inſtinct habituated into a maſter- paſ-
" ſion—ſways all the ſweeteſt energies of
" man—hangs over each viciſſitude of all
" that muſt paſs away—aids the melan-
" choly virtues in their laſt ſad taſks of
" life—to chear the languors of decre-
" pitude and age—explore the thought
" —explain the aching eye!"

The Jaghires being ſeized, Mr. Sheridan proceeded to obſerve, the Begums were left without the ſmalleſt ſhare of that pecuniary compenſation promiſed by Mr. Middleton; and as when tyranny and *injuſtice* take the field, they are always attended by their *camp-followers*, paltry pilfering, and petty inſult—ſo in this inſtance, the goods taken from them were ſold at a mock ſale at inferior value. Even gold and jewels, to uſe the language of the Begums, inſtantly loſt their value when it was known that they came from them! Their miniſters were therefore impriſoned to extort the deficiency which this fraud had occaſioned; and thoſe mean arts were employed to juſtify a continuance of cruelty. Yet theſe again were little to the frauds of Mr. Haſtings. After extorting upwards of 600,000l. he forbade Mr. Middleton to come to a *concluſive ſettlement*.—He knew that the *treaſons* of our allies in India had their origin ſolely in the wants of the Company. He could not therefore ſay that the Begums were entirely innocent, until he had conſulted the general *Record* of *Crimes!*—the *Caſh Account* at Calcutta!—And this *prudence* of Mr. Haſtings was fully juſtified by the event—for there was actually found a balance of *twenty-ſix lacks* more againſt the Begums, which 260,000l. worth of treaſon had never been dreamed of before. " Talk not to us," ſaid the Governor-General, " of their Guilt or Innocence, but as it ſuits the Company's *credit!* We will not try them by the Code of Juſtinian, nor the Inſtitutes of Timur—We will not judge them either by the Britiſh laws, or their local cuſtoms! No! We will try them by the *Multiplication Table*, we will find them guilty by the *Rule of Three*, and we will condemn them according to the ſapient and profound Inſtitutes of—COCKER's *Arithmetic!*"

Proceeding next to ſtate the diſtreſſes of the Begums in the Zenana, and of the women in the Khord Mahal, Mr. Sheridan remarked, that ſome obſervation was due to the remark made by Mr. Haſtings in his Defence, where he declared—" that whatever were the diſtreſſes there, and whoever was the agent, the meaſure was in his opinion reconcileable to juſtice, honour, and ſound policy." Major Scott—*the incomparable agent* of Mr. Haſtings, had declared this paſſage to have been written by Mr. Haſtings with his own hand.—Mr. Middleton, it appeared, had alſo avowed his ſhare in thoſe humane tranſactions, and bluſhingly retired. Mr. Haſtings then cheered his drooping ſpirits.—" Whatever part of the load," ſaid he, " yours cannot bear, my *unburdened* character ſhall aſſume. I will crown your labours with my irreſiſtible approbation—Thus *twin-warriors* ye ſhall go forth! do you find *memory*, and I'll find *character*—and aſſault, repulſe, and contumely ſhall all be ſet at defiance!"

If I could not prove, continued Mr. Sheridan, that thoſe acts of Mr. Middleton were in reality the acts of Mr. Haſtings, I ſhould not trouble your Lordſhips by combating theſe aſſertions; but as that part of his criminality can be inconteſtibly aſcertained—I ſhall undoubtedly appeal to the aſſembled legiſlators of this realm, and call on them to ſay, whether thoſe acts were juſtifiable on the ſcore of *policy*; I ſhall appeal to all the auguſt preſidents in the courts of Britiſh juſtice, and to all the learned ornaments of the profeſſion, to decide whether theſe actions were reconcileable to *juſtice*.—I ſhall appeal to a reverend aſſemblage of prelates feeling for the general intereſts of humanity, and for the honour of the religion to which they belong: Let them determine in their own minds, whether thoſe acts of Mr. Haſtings and Mr. Middleton were ſuch as a *Chriſtian* ought to perform, or a *man* to avow!

He then proceeded to relate the circumſtances of the impriſonment of Bahar Ally Cawn and Jewar Ally Cawn, the miniſters of the Nabob, on the grounds above ſtated: with them was confined that *arch-rebel* Sumſhire Cawn, by whom every act of hoſtility that had taken place againſt the Engliſh, was ſtated to have been committed.—No enquiry

quiry, however, was made concerning his *treaſon*, though many had been held reſpecting the *treaſure* of the others. He was not ſo far noticed as to be deprived of his *food* *; nor was he even complimented with *fetters!* and yet when he is on a future day to be informed of the miſchiefs he was now ſtated to have done, he muſt think that on being forgotten, he had a very *providential eſcape!*—The others were, on the contrary, taken from their milder priſon at Fyzabad; and when threats could effect nothing, tranſferred by the meek humanity of Mr. Middleton to the fortreſs of Chunargur. There, where the Britiſh flag was flying, they were doomed to deeper dungeons, heavier chains, and ſeverer puniſhments. There where that flag was diſplayed, which was wont to chear the depreſſed, and to dilate the ſubdued heart of miſery —theſe venerable, but unfortunate men were fated to encounter ſomething *lower* than PERDITION, and ſomething *blacker* than DESPAIR! It appeared from the evidence of Mr. Holt and others, that they were both cruelly flogged, though one was above ſeventy years of age, to extort a confeſſion of the buried wealth of the Begums!—Being charged with diſaffection, they proclaimed their innocence.—"Tell us where are the remain-
" ing treaſures, (was the reply)—it is
" only a treachery to your immediate ſo-
" vereigns:—and you will then be fit aſ-
" ſociates for the repreſentatives of Bri-
" tiſh faith and Britiſh juſtice in India!"
—"Oh! FAITH, Oh JUSTICE!" exclaimed Mr. Sheridan, "I conjure you by
" your ſacred names to depart for a mo-
" ment from this place, though it be
" your peculiar reſidence; nor hear your
" names profaned by ſuch a ſacrilegious
" combination, as that which I am now
" compelled to repeat! where all the
" fair forms of nature and art, truth and
" peace, policy and honour, ſhrunk back
" aghaſt from the deleterious ſhade!—
" where all exiſtences, nefarious and vile,
" had ſway — where amidſt the black
" agents on one ſide, and Middleton
" with Impey on the other, the toughеſt
" bend, the moſt unfeeling ſhrink!—the
" great figure of the piece—character-
" iſtic in his place! aloof and indepen-
" dent, from the puny profligacy in his
" train!—but far from idle and inactive,
" turning a malignant eye on all miſchief
" that awaits him!—the multiplied ap-
" paratus of temporiſing expedients, and
" intimidating inſtruments!—now cring-
" ing on his prey, and fawning on his
" vengeance!—now quickening the lim-
" pid pace of craft, and forcing every
" ſtand that retiring nature can make in
" the heart!—the attachments and the
" decorums of life!—each emotion of
" tenderneſs and honour!—and all the
" diſtinctions of national characteriſtics!
" —with a long catalogue of crimes and

* The following note from Mr. Middleton to Lieutenant Francis Rutledge, dated January 20, 1782, had been read in evidence:

" SIR,

" When this note is delivered to you by Hoolas Roy, I have to deſire, that you order " the two priſoners to be put *in irons, keeping them from all food, &c. agreeable to my in-* " *ſtructions of yeſterday.*

(Signed) NATH. MIDDLETON."

Mr. Middleton had indeed refuſed to acknowledge that he wrote this note, alledging that, as he had been accuſed by Mr. Haſtings for his conduct at Fyzabad, he begged he might not be forced to anſwer queſtions that would criminate himſelf. But what was the nature of the accuſation brought againſt Mr. Middleton by Mr. Haſtings? Was it, that he had uſed harſh methods to get poſſeſſion of the treaſures? No—the charge was, that he had ſhewn too much forbearance; and Mr. Middleton's anſwer to Mr. Haſtings's charge, was of a nature which proved that it was not of too great ſeverity that the Governor-General had accuſed him.—"It could not, I flatter myſelf," ſaid Mr. Middleton, "be termed a long or " unwarrantable delay (two days).—The Nabob was *ſon* to the Begum whom we were to " proceed againſt—A *ſon* againſt a *mother* muſt at leaſt *ſave appearances* in his mode of " proceeding. In the Eaſt it is well known that no man, either by himſelf or his troops, " can enter the walls of a Zenana, ſcarcely in the caſe of acting againſt an open enemy, " much leſs of *an ally—an ally acting againſt his own mother.* The outer walls, and the " Begums agents, were all that were liable to immediate attack; they were dealt with, " and ſucceſsfully, as the event proved.—No further rigour than what I have exerted, " could be uſed againſt females in this country.—WHERE FORCE COULD BE EMPLOY-" ED, IT WAS NOT SPARED."

This defence clearly ſhewed, that Mr. Haſtings had accuſed Mr. Middleton, not of having uſed *too much ſeverity*, but of *not* having uſed *enough*.

" again

" aggravations, beyond the reach of " thought for human malignity to per- " petrate, or human vengeance to punish! " —LOWER than PERDITION—BLACK- " ER than DESPAIR!"

It might have been hoped, for the honor of the human heart, that the Begums had been themſelves exempted from a ſhare in theſe ſufferings, and that they had been wounded only through the ſides of their Miniſters. — The reverſe of this, however, was the fact. — Their Palace was ſurrounded by a guard, which was withdrawn by Major Gilpin, to avoid the growing reſentments of the people, and replaced by Mr. Middleton, through his fears from that " dreadful reſponſibility" which was impoſed on him by Mr. Haſtings.—The women of the Khord Mahal, who had not been involved in the Begums ſuppoſed crimes; who had raiſed no *ſub-rebellion* of their own; and who, it had been proved, lived in a diſtinct dwelling, were cauſeleſsly involved in the ſame puniſhment; their Reſidence ſurrounded with guards, they were driven to deſpair by famine, and when they poured forth in ſad proceſſion, were driven back by the ſoldiery, and beaten with *bludgeons* to the ſcene of Madneſs which they had quitted. Theſe were acts, Mr. Sheridan obſerved, which, when told, needed no comment; he ſhould not offer a ſingle ſyllable to awaken their Lordſhips feelings; but leave it to the facts which had been proved, to make their own impreſſions.

The argument now reverted ſolely to this point, whether Mr. Haſtings was to be anſwerable for the crimes committed by his agents? It had been fully proved that Mr. Middleton had ſigned the treaty with the ſuperior Begum in October 1778. He had acknowledged ſigning ſome others of other dates, but could not *recollect* his authority. Theſe treaties had been fully recognized by Mr. Haſtings, as was fully proved by the evidence of Mr. Purling, in the year 1780. In that of October 1778, the Jaghire was ſecured, which was allotted for the ſupport of the women in the Khord Mahal: on the firſt idea of reſuming thoſe Jaghires a proviſion ſhould have been ſecured to thoſe unfortunate women, and in this reſpect Mr. Haſtings was clearly guilty of a crime, by his *omiſſion* of making ſuch proviſion. But ſtill he pleaded, that he was not accountable for the Cruelties which had been exerciſed. *This* was the Plea which Tyranny aided by its Prime Miniſter, Treachery, was alwas ſure to ſet up. Mr. Middleton had attempted to ſtrengthen this plea, by endeavouring to claim the whole Infamy of thoſe tranſactions, and to *monopolize* the Guilt! He dared even to aver that he had been condemned by Mr. Haſtings for the ignominious part he had acted;—he dared to avow this, becauſe Mr. Haſtings was on his Trial, and he thought he ſhould never be tried;—but in the face of the Court, and before he left the Bar, he was compelled to confeſs that it was for the *lenience* not the *ſeverity* of his proceedings that he had been reproved by Mr. Haſtings.

It would not, he truſted, be argued, that becauſe Mr. Haſtings had not marked every paſſing ſhade of guilt, and becauſe he had only given the bold outline of cruelty, that he was therefore to be acquitted.—It was laid down by the law of England—that law which was the perfection of Reaſon—that a Perſon ordering an Act to be done by his Agent, was anſwerable for that act with all its conſequences. Middleton had been appointed in 1777, the avowed and private Agent —the *ſecond-ſelf* of Mr. Haſtings. The Governor-General had ordered the meaſure: Middleton declared that it could not have been effected by milder means. Even if he never ſaw, nor heard afterwards of the conſequences of the meaſure, he was anſwerable for every pang that was inflicted, and for all the blood that was ſhed. But he had heard, and that inſtantly, of the whole. He had written to arraign Middleton of forbearance and of neglect!—He commanded them to work upon their hopes and fears, and to leave no means untried, until—to ſpeak their own language, but which would be better ſuited to the *Banditti* of a *Cavern*— " they obtained poſſeſſion of the ſecret hoards of the old Ladies." — He would not allow even of a delay of two days to ſmoothe the compelled approaches of a Son to his Mother, on ſuch an occaſion!— His orders were peremptory;—and if a maſſacre did not take place, it was the merit of accident—and not of Mr. Haſtings. After this would it be ſaid, that the priſoner was ignorant of the acts, or not culpable for their conſequences? It was true, he had not enjoined in ſo many words the *guards*, the *famine*, and the *bludgeons*; he had not weighed the *fetters*, nor numbered the *laſhes* to be inflicted on his victims. But yet he was equally guilty as if he had borne an active and perſonal ſhare in each tranſaction. It was, as if he had commanded that the *heart* ſhould be torn from the boſom, and yet had enjoined that no blood ſhould follow

low. He was in the ſame degree accountable to the *Law*, to his *Country*, to his *Conſcience*, and to his GOD!

Mr. Haſtings had endeavoured alſo to get rid of a part of his Guilt, by obſerving that he was but *one* of the Supreme Council, and that all the reſt had ſanctioned thoſe tranſactions with their approbation. If Mr. Haſtings could prove, however, that others participated in the Guilt, it would not tend to diminiſh his own Criminality. But the fact was, that the Council had in nothing erred ſo much as in a criminal Credulity given to the declarations of the Governor-General. They knew not a word of thoſe tranſactions until they were finally concluded. It was not until the January following, that they ſaw the maſs of Falſhood which had been publiſhed under the title of "Mr. Haſtings' Narrative." They had been then unaccountably duped into the ſuffering a Letter to paſs, dated the 29th of November, intended to deceive the Directors into a belief, that they had received intelligence at that time, which was not the fact. Theſe obſervations, Mr. Sheridan ſaid, were not meant to caſt any obloquy on the Council;—they had undoubtedly been deceived, and the deceit practiſed on them by making them ſign the Narrative, was of itſelf a ſtrong accuſation of Mr. Haſtings, and a decided proof of his own Conſciouſneſs of Guilt. When tired of corporal Infliction, his Tyranny was gratified by inſulting the underſtanding. Other Tyrants, though born to greatneſs, ſuch as a Nero, or a Caligula, might have been rouſed, it had been ſuppoſed, by reflection, and awakened into contrition;—but here was an inſtance which ſpurned at theory, and baffled ſuppoſition: A man born to a ſtate at leaſt of equality;—inured to calculation, and brought up in habits of reflection;—and yet proving in the end that Monſter in Nature, a *deliberate and reaſoning Tyrant!*

The Board of Directors received thoſe advices which Mr. Haſtings thought proper to tranſmit; but though unfurniſhed with any other materials to form their judgment, they expreſſed very ſtrongly their doubts, and as properly ordered an enquiry into the circumſtances of the alledged Diſaffection of the Begums; pronouncing it at the ſame time a Debt which was due to the Honor and Juſtice of the Britiſh Nation. This enquiry, however, on the direction's reaching India, Mr. Haſtings thought it abſolutely neceſſary to elude. He ſtated to the Council, that it being merely ſtated that "If on enquiry, certain facts appeared," no enquiry was thereby directly enjoined!—"It would revive (ſaid he) thoſe animoſities that ſubſiſted between the Begums and the Vizier, which had then ſubſided.—If the former were inclined to appeal to a foreign juriſdiction, they were the beſt judges of their own feeling, and ſhould be left to make their own complaint." All this, however, was nothing to the magnificent paragraph which concluded this Minute, and to which Mr. Sheridan alſo requeſted the attention of the Court. "Beſide, (ſaid Mr. Haſtings) I hope it will not be a departure from official language to ſay—that the MAJESTY of JUSTICE ought not to be approached without ſolicitation: ſhe ought not to deſcend to enflame or provoke, but to with-hold her judgment, until ſhe is called on to determine!" What is ſtill more aſtoniſhing was, that Sir John Macpherſon, (who, though a Gentleman of Senſe and Honor, he ſtated to be rather Oriental in his imagination, and not learned in the Sublime and Beautiful from the Immortal Leader of this Proſecution, and who had before oppoſed Mr. Haſtings) was caught by this *bold bombaſtic quibble*, and joined in the ſame words, "that the MAJESTY of JUSTICE ought not to be approached without ſolicitation!"

"But JUSTICE is not this halt and miſerable object! (continued Mr. Sheridan) It is not the ineffective Bauble of an Indian Pagod!—it is not the portentous Phantom of Deſpair—It is not like any fabled Monſter, formed in the Eclipſe of Reaſon, and found in ſome unhallowed Grove of Superſtitious Darkneſs, and Political Diſmay! No, my Lords!—

"In the happy reverſe of all this, I turn from this diſguſting Caricature to the REAL IMAGE!—JUSTICE I have now before me AUGUST and PURE! the abſtract idea of all that would be perfect in the ſpirits and the aſpirings of Men! where the Mind riſes, where the Heart expands:—where the Countenance is ever placid and benign:—where her favourite attitude is to ſtoop to the Unfortunate:—to hear their cry and to help them:—to reſcue and relieve, to ſuccour and ſave:—Majeſtic, from its Mercy:—Venerable, from its Utility:—Uplifted, without Pride:—Firm, without Ob-

duracy:

" durance: — Beneficent in each Pre-
" ference: — Lovely, though in her
" Frown!
" On THAT JUSTICE I RELY:—
" Deliberate and ſure, abſtracted from all
" Party Purpoſe and Political Speculation!—not on Words, but on Facts!
" —You, my Lords, who hear me, I
" conjure—by thoſe RIGHTS it is your
" beſt privilege to preſerve — by that
" FAME it is your beſt pleaſure to inherit—
" by all thoſe FEELINGS which refer to
" the firſt term in the ſeries of exiſtence,
" the ORIGINAL COMPACT of our Na-
" ture—our CONTROULING RANK in
" the Creation—This is the call on all,
" To adminiſter to Truth and Equity, as
" they would ſatisfy the Laws, and ſatisfy
" themſelves — with the moſt exalted
" Bliſs, poſſible or conceivable for our
" Nature: — The SELF-APPROVING
" CONSCIOUSNESS of VIRTUE, when
" the Condemnation we look for will be
" one of the moſt ample Mercies accom-
" pliſhed for Mankind ſince the Crea-
" tion of the World!"

MY LORDS, I HAVE DONE!

The Court immediately roſe, and adjourned to the *firſt* TUESDAY in the next Seſſion of Parliament.

END OF THE FIRST PART.

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